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OFFICE OF NATIONAL RECOVERY ADMINISTRATION

DIVISION OF REVIEW

POSTING OF LABOR PROVISIONS UNDER NRA

By

Paul Hutchings

(A Section of Part D: Control of Other Conditions of Employment)

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Part A: Introduction
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LABOR STUDIES SECTION
March, 1936

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F O R E W O R D

This study of "Posting of Labor Provisions Under NRA" was prepared by Mr. Paul Hutchings, Labor Studies Section, Mr. Solomon Barkin in charge.

This study is an examination of the procedure used in the preparation and distribution of posters containing the labor provisions of NRA codes. These posters were the principal method used to inform the great mass of employers and employees of the actual contents of the labor provisions applicable to their industry. It will be remembered that enforcement of labor provisions of codes was based primarily upon complaints made to NRA concerning non-compliance with code provisions rather than upon factory inspection. The posting of labor provisions was therefore an important device in the administration of these provisions.

At the back of this report will be found a brief statement of the studies undertaken by the Division of Review.

L. C. Marshall
Director, Division of Review

March 25, 1936

POSTING OF LABOR PROVISIONS UNDER THE NRA

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Summary

This report deals with the National Recovery Administration's experience with the problem of preparation and use of posters containing the labor regulations set forth in the codes of fair competition.

Labor provision posters were important as a device to aid in obtaining compliance with code labor provisions. They performed this function by informing employees of the exact terms of the code provisions and of where and how to make complaints of violations. They were also helpful to the Administration in securing compliance by indicating good procedure to employees in establishments which were not operating in conformity with the code labor provisions. This operated to benefit competing employers as well as the employees of the non-complying establishments.

No well defined posting policy existed for many months. Some trade associations, of their own volition, suggested various types of provisions which required that industry members display the labor provisions of the code in their plants. The Labor Advisory Board urged its staff members to work for the inclusion of a posting provision in each proposed code under their jurisdiction, and a model posting provision was contained in the first draft of that Board's model code. The numerous model codes of both the Labor Advisory Board and the Administration contained various types of regulations on posting. Since many of the large industries which were codified early in the code making period did not have posting regulations in their codes, it was necessary that some action be taken to obtain this inclusion. An Executive order made posting of code labor provisions mandatory. It delegated to the Administrator the right to formulate rules and regulations to insure such posting. These rules and regulations were established by a series of Administrative orders, adjustments in policy being made as experience warranted.

Various points of policy had to be determined relative to such details as the establishment of a procedure for filing complaints, obtaining estimates of the number of posters required in each industry, preparing posters, and many other less significant problems.

Many unusual problems of preparation of posters were encountered. These covered such difficulties as unusually lengthy code provisions, how to handle supplementary codes, the rewriting of unusually complex provisions so as to make them intelligable to workers, how to handle the problem of code modification, classified wage scales, area agreements, hazardous occupation lists, safety and health standards, and other matters. The necessity of translating code provisions for certain industries into Spanish, Yiddish, and other languages gave rise to difficulties which slowed preparation considerably in those cases.

A number of code authorities objected to the poster supplied by the Administration and some refused to distribute the official labor

posters, which refusal constituted a violation of the President's order, and a violation of the NIRA. Each case was handled individually. An attempt was always made to reach agreement with the objecting group. In some instances the Administration did not insist on poster distribution and display (as in the cases of the Daily Newspaper industry and the Iron and Steel industry).

The second source of distribution difficulty lay with the inability of code authorities in some large and widely scattered industries to build up adequate mailing lists of industry members. In one or two cases the Administration handled distribution either through its state offices or from Washington. The suspension of all code authorities for the Service trades necessitated the Administration's taking over the distribution of these posters.

Various modifications of the method of handling the posting problem were being considered at the time of the code invalidation. These included a method of verifying compliance with posting provisions of codes, several proposed methods of simplifying poster content, an attempt to require posting of PRA substitutions still in effect, and other changes to make the posting program function more smoothly and efficiently.

POSTING OF LABOR PROVISIONS UNDER THE NRA

I. THE IMPORTANCE OF POSTING LABOR PROVISIONS

The effectiveness of displaying labor posters containing labor regulations in industrial establishments has long been recognized by the more progressive State labor departments. It familiarizes employees, as well as employers, with the requirements (minimum regulations) of the law, and provides a factual basis for the settlement of controversies. Compliance with the law was found to be considerably assisted by such posting. The NRA utilized the experience of these State labor departments in its dissemination of the provisions of codes to industries.

The success of the NRA program in regard to re-employment depended on obtaining compliance with the labor provisions of codes. Posters containing the labor provisions represented the most efficient as well as the cheapest method of informing employees and their employers of the conditions governing employment. In order that employees might become familiar with the employment conditions prescribed by codes of fair competition applicable to them, they were provided through the labor posters with the code standards. They were, moreover, informed by the posters what action might be taken to secure compliance with the code, if their own terms of employment were at variance with those prescribed.

The posting of labor provisions was also of considerable value to employers. Responsible employers who complied with the code were assured that the employees of less responsible operators would be informed of their rights and the methods of protecting themselves. In establishments complying with the code the posters served to keep employees informed of the fact that they were working in accordance with the approved provisions of the applicable code. Cooperation between employees and employers was thereby increased.

Labor posters were of service to the National Recovery Administration as they were the only means of transmitting official information to employees. The large number of approved codes and their complexity made it physically impossible and financially impractical to supply each worker with a copy of the code provisions governing his employment. This problem was further complicated by amendments, exemptions, modifications, stays, and Administrative orders which kept changing the code context. A labor poster was therefore devised for each code, to be displayed in all establishments and kept up to date, thus furnishing the employeed with the necessary information.

These posters were indispensable to NRA compliance, since compliance was founded on the premise that complaints were to be the major if not the exclusive means of detecting violations. Investigations of payroll were not to be used except where undertaken by individual code authorities on special occasions. Posting, therefore, was the major means of eliciting complaints and knowledge of non-compliance with code labor provisions.

II. THE DEVELOPMENT OF POLICY ON POSTING

A. Early Precedents
   1. The PRA.

The President's Reemployment Program, announced on July 20, 1933, placed industries under pressure immediately to effectuate the terms of the President's Agreement. The drive behind the program and the prevailing public approval of this novel method of meeting the unemployment problem placed the PRA on the front page of newspapers for weeks. The display of the Blue Eagle was notice to employees and to all that the employer had signed the PRA and was obligated by its terms. Newspapers broadcasted to the employee the conditions under which he was to work if his employer displayed the Blue Eagle.

The effectiveness of this method of informing employees of their rights continuously decreased as PRA substitutions were approved in large numbers. As the industrial coverage of the substitutions was vaguely defined, workers found great difficulty in determining the conditions applicable to their employment. The press displayed relatively little interest in the specific substitutions to the PRA. Gradually all matters concerned with the PRA were relegated to the inner pages. PRA substitutions were not required to be posted in individual establishments.

2. Early Codes.

The first code which contained a provision for posting of labor provisions was that for the Corset and Brassiere industry, approved August 14, 1933. (*) This industry, largely centered in industrial states, had been made familiar with the use of posters by State labor departments. It is for that reason that they required the posting of labor provisions. (**) Labor codes, following this example, required that labor provisions be posted in establishments.

The code for the Hosiery industry was the second to contain a provision requiring the posting of labor provisions. (***) This code provided that the code authority would determine the manner in which such notices should be displayed. In addition the code authority

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(*) Code No. 7, National Recovery Administration Codes of Fair Competition, Vol. I, p. 69), Government Printing Office.

(**) Code for Corset and Brassiere industry, National Recovery Administration, Codes of Fair Competition, Vol. I, p. 72. Article IV - (c):

"Each person shall post in a conspicuous place in each work room of his factory, Sections 3 and 4 of this Code."

(***) Code No. 16, Approved August 26, 1933.

interpretations of code provisions were also to be posted. (*)

3. Model Codes.

Soon after the approval of the two codes mentioned above, the staff of the Labor Advisory board began aggressively to seek the inclusion of a posting provision in codes. Its model code of mid-September, 1933 included a clause requiring the posting of code labor provisions. At the same time a staff memorandum urged that the poster include addresses of authorities to whom employees might send complaints.

The need for a posting clause was soon recognized by the Administration. The model code of October 1st included a specific provision for the posting of the full copy of the code. This recommendation was developed out of a desire on the part of the representatives of various advisory units to have the employees familiarize themselves with the trade practice provisions as well as labor. To the representatives of the Labor Advisory board this appeared unobjectionable so long as the principle of posting labor provisions was recognized. A model code of the Labor Advisory board issued on September 30th for the use of its staff included a provision identical with that in the NRA model code of October 1st. A more complete clause was developed by staff members of the board for use in special cases. This prescribed the size of type, the number of posters to be displayed, and such languages in addition to English as were necessary to assure understanding by the employees. This draft clause likewise called for the inclusion on the poster of all changes made in the code itself.

The first code to make provision for the posting of the code in languages in addition to English was the code for the Ice industry, approved October 3, 1933. (**) The code for the Throwing industry,

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(*) Code for the Hosiery industry, National Recovery Administration, Codes of Fair Competition, Vol. I, p.247. Article IX, Section 3 (a):

"3. It shall be the duty of the Code Authority to:

a. Issue and distribute to all persons in the industry, from time to time, such posters or notices as, in its judgment, shall be displayed in the plants of the industry for the purpose of bringing to the attention of all employees, provisions of the code which affect them and interpretations thereof by the Code Authority. The Code Authority may specify the manner in which such notices or posters shall be displayed. Failure to comply with such instructions shall be an infraction of the code."

(**) Codes of Fair Competition, Vol. I., p.534. Government Printing Office.

approved October 11, 1933, introduced for the first time the principle of noting on the poster information as to where and how employees were to report violations of code provisions and acknowledged the need for standardized, printed, official posters by requiring the Throwsters Research Institute to furnish employers with copies of a printed notice. (*) Representatives of the Institute were permitted to verify the fact that such notices were posted and state labor departments were to be requested to cooperate in inspection to determine whether such notices were posted and kept posted.

The model codes of October 25th and November 6th both provided for the posting of the entire code without, however, specifically taking up the more detailed questions of the manner of posting. The unanimity of opinion that a posting clause was necessary was reflected increasingly in the growing number of codes with posting provisions. Of the first fifty codes approved by NRA only six required the posting of labor provisions; among the next ten codes approved four required such provisions and codes numbered 60 - 69 contained six codes with such provisions. Almost all codes approved after November, 1933 included a provision requiring the posting of either the labor provisions or the entire code. These clauses varied substantially in their content and several new types of provisions were introduced. Several codes reaffirmed the provision that posters would be supplied to employers. The code for the Concrete Masonry industry called for the posting of the labor provisions on each job as well as at the office. The provision adopted in the Raw Peanut Milling industry code more nearly complied with the recommendations of the Labor Advisory board staff than any other code. It set forth the size of type to be used, the number of posters in each shop as well as the requirement that posters be set forth both in English and in the foreign languages spoken by the employees and also called for the posting of changes in the code. The Chewing Gum industry made novel use of labor posters for enforcing its averaging provisions on hours by requiring that the hours of each employee be posted along with the general code.

B. Definitive Regulation of Posting.

Though progress was being made in the introduction of the posting provision into the various codes, several shortcomings were evident. In the first place, few of the early codes contained such a provision. Among these were some of the largest industries including electrical, shipbuilding, iron and steel, lumber and timber, automobile, cotton, silk, and wool. In fact, only 33 of the first one hundred codes had a posting clause. In addition, the provisions varied greatly among the codes, some prescribing the posting of the entire code and others the posting of the labor provisions only. Some codes required reproduction in other languages in addition to English, others made no reference to this point. Nor was any determination available on the procedures for furnishing copies of the codes for posting. In these circumstances, to

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(*) Codes of Fair Competition, Vol. I., p. 649. Government Printing Office.

avoid the difficulties and delays which would occur in amending each code to comply with a uniform standard, the administration decided to standardize the whole subject by means of a general executive order applicable to all codes.

1. Executive Order of February 8, 1934.

Members of the Compliance division took the initial steps toward drafting the order. After several revisions, the order was presented to the President and signed by him on February 8, 1934. (*) The order authorized the Administrator to prescribe rules and regulations governing the posting of provisions of approved codes. Non-compliance with these rules and regulations made one liable to the penalties of the Act.

2. Administrative Orders.

On the basis of the authority thus delegated to the Administrator, an Administrative order was issued on February 12, 1934 prescribing rules and regulations governing the posting of labor provisions. (**) This order provided the following: (1) Each person subject to a code shall "register the full name of his enterprise together with a statement of the number of shops, establishments or separate units thereof and their location with the code authority"; (2) each registrant is to be furnished with an official copy of the labor provisions of the code which is to be conspicuously posted at all times in all units of the business so as to make them freely accessible to all employees. Furthermore, the order provided that the "official copies of such provisions will contain directions for filing complaints of violations of such provisions"; (3) each employer granted an exemption from the code labor provisions permitting him "to pay lower wages or work his employees longer hours or establish conditions of employment less favorable to his employees than those prescribed by the provisions contained in such official code would be given a certified copy of the exemption; (4) only correct copies of the code might be displayed; (5) employers subject to more than one code would be required to post all such codes.

On publication of this order objections were immediately raised to certain of its provisions. Provision No. 2 which left it to the employers to determine the places where the posters would be posted was criticized, as well as Provision No. 3 which might be interpreted as not requiring the posting by employers of any improved labor conditions (higher wages, shorter hours or conditions of employment more favorable to employees) which might be established through code modifications.

(*) Executive Order No. 6590-B, Vol. VI, Page 655 Printed Codes

(**) Administrative Order X-6.

A revised Administrative Order X-7 (*) was issued February 28, 1934. This new Order eliminated the weaknesses of its predecessor and in addition gave more specific instructions in regard to applications for official copies. It also emphasized the Administrator's right to "remove all Blue Eagles from any person who fails to comply with these regulations". With the issuance of this revised order, policy may be said to have crystallized into definite form. "The only important change subsequent to this order of February 8, was a modification of the first paragraph by Administrative Order X-82, dated September 1, 1934, which authorized the NRA to determine in its discretion what the official labor posters should contain. This removed all doubt as to the right of the Administration to pass on the content of all posters." (**) Further problems took the form of administrative questions in carrying out the general policy thus adopted.

III. PROBLEMS OF POSTER PREPARATION

A. Responsibility for Posters Assumed by NRA.

By a decision taken in late February or early in March 1934, the NRA assumed responsibility for preparing and printing all labor posters. This decision was in the interests of protecting labor by having the form of poster itself satisfactory to the NRA, and by eliminating delays in their preparation. It also made the NRA responsible for the translation of the posters in other languages than English where it was deemed desirable and placed upon the NRA the decision on the question whether posters in such other languages were necessary in particular industries.

B. The Posting Committee

On February 22, 1934 a posting committee composed of representatives of the Compliance and Legal divisions, Administrative office, and the Industrial and Labor Advisory boards was organized.

C. Estimates of Posters Required.

The first task of the committee was to estimate the number of posters required in each industry. The problem was placed before the group conferences of code authorities in early March, 1934 and the consensus of opinion favored having estimates made by the code authorities and transmitted by them to the Administration.

D. Procedure for Filing Complaints.

A second problem was to determine a procedure for employees to

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(*) Administrative Order X-7, February 28, 1934, Regulations Governing the Posting of Labor Provisions in Codes of Fair Competition, NRA Office Manual, V-D-4.

(**) NRA Office Manual, V-D-53.

follow in reporting and adjusting complaints of alleged violations of code labor provisions. Considerable difference of opinion was voiced on this problem. The representative of the Industrial Advisory board, among others, maintained that employees' complaints could best be adjusted by direct negotiation between the employee concerned and his employer and hence should be reported directly to the employer. Representatives of the Labor Advisory board objected vigorously to this proposal. They urged that the complaining employees might thus be subject to dismissal for making complaints. (*)

Instructions on filing of complaints were finally agreed upon as follows:

> "Inquiries or complaints may be addressed to your employer or to your State NRA Compliance director whose address is below."

In the opinion of the Labor Advisory board this form of statement was not satisfactory and further efforts were made toward altering it. A new form was finally approved by the Advisory Council, July 18, 1934, as follows:

"How to File a Complaint

"Don't act hastily. Make sure you are right. An unjust complaint is unfair to your employer and does you no good.

"Remember that many grievances can be best settled by going direct to your employer.

"But you may instead send all the facts to one of the following:

1. To the proper Industrial Relations Board, if any (See addresses on this poster or ask the State NRA Compliance Director for the proper address.)
2. To your State NRA Compliance Director (See addresses on this poster.)
3. Or (if not satisfied) to the Compliance Division of the NRA, Washington, D. C.

"NO ONE HAS THE RIGHT TO REVEAL YOUR NAME WITHOUT YOUR CONSENT NOR TO DISCHARGE YOU FOR MAKING A COMPLAINT."

(*) This objection was met by the issuance of Executive Order No. 6711, on May 15, 1934, which prohibited the dismissal or demotion of "any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any code of fair competition approved under said Title".

E. Procedure for Preparing Posters.

To expedite the preparation of posters a definite procedure to be followed was set up. On February 24, 1934, a member of the Compliance division was designated to handle all requests for information on the posting of labor provisions and all other correspondence relative to carrying out administrative regulations. (*)

The Labor Advisory board was given charge of preparing poster material and designating which clauses were to be included. The Legal division revieved the selection of clauses and their accuracy. Finally the draft posters, or dummies, were transmitted to the Compliance division, which prepared the material for printing and sent it to the Government Printing Office. The Compliance division advised the Printing Office as to the number to be printed and gave instructions for forwarding the printed posters directly to the Code Authorities for distribution to industry members.

Executive Orders on handicapped workers, prohibiting dismissals of employees for filing complaint, Apprentice training, and home work were attached to the prepared dummy. The Compliance division prepared a standard dummy poster which contained,

1. The title of the poster (Name of approved code)
2. Approval date and number of code
3. The directions for filing complaints of violations
4. The list of State NRA Compliance officers with their addresses.

Among the duties of the Labor Advisory board was the inclusion on the draft poster of amendments or Administrative orders approved subsequent to approval of the code. All pertinent provisions of amendments were included in toto. To conserve space many of the Administrative orders were printed in summary only.

The procedures were modified as occasion demanded. The functions performed by the Compliance division were delegated to the Insignia section of the Communications division in the summer of 1934. The standardization of policy on types of material to be included made it possible to speed-up the work of poster preparation. Posting procedure as operating in early 1935 was officially recognized through its inclusion, with slight modification, in the Office Manual of the Administration. (**)

(*) Office Memorandum, February 24, 1934.

(**) NRA Office Manual, Enforcement - III - 4511 through 4524.22.

F. Special Problems of Preparation.

1. Technical Layout.

Poster stock was ordered in four sizes, 14x19, 14x22, 14x23½, and 20x28 inches. The size of type selected was ten-point. To be included on the poster were the name and definition of the industry, the labor provisions of the code, and in addition, Executive orders on handicapped workers, and apprentices, prohibition of dismissal of employees for making complaints for violation of code provisions, and when a home work prohibition existed, the executive order on home work. In many cases, special administrative orders might also be necessary and notices regarding stays, etc. In addition, provisions had to be made for lists of hazardous occupations, safety and health regulations, wage schedules and wage agreements.

Provisions in the majority of codes were too lengthy to be placed on the smallest size stock. In a considerable number of cases even the largest size was too small if ten-point type was to be used. In these cases either the size of type had to be reduced or the material divided so as to appear on two or more posters. In some cases the type used was too small to be satisfactory.

The great length of the code for the Graphic Arts industry made it impossible to include all the labor provisions or all its subdivisions on a single poster. Four posters were prepared, each covering a sub-industry group of groups as follows: (1) relief printing, (2) gravure intaglio printing, (3) steel and copper plate engraving, securities and banknote engraving and printing, and (4) lithographic printing and trademounting and finishing.

In the case of the Lumber and Timber Products code and its numerous industry subdivisions the definition of each division had to be included on the poster. This crowded the space allowed for posting of labor provisions. As a result they were printed in very small type, which was particularly unsatisfactory in this instance because of the diversified wage rates established.

The supplementary codes of the Machinery and Allied Products industry, the Fabricated Metal Products industry and most of those of the Wholesale and Distributing trade, merely adopted by reference the labor provisions of the basic codes: these divisional industries were therefore supplied with the labor posters applicable to their basic industry. In the cases of the Construction industry and the Fishery industry, however, the divisional groups had to have separate labor posters because of special provisions applicable to the divisions. Labor posters for the supplements of the Construction industry were prepared by placing the provisions of the basic Construction code in the upper part of the poster and those of the supplementary code in the lower part. The General Contracts division of the Construction industry had three approved subdivisional codes which modified the labor provisions of the General Contractors code. In these cases a single poster was prepared for each subdivisional industry which combined the applicable provisions from all three---the Construction industry, the general contractors, and the subdivisional codes. But this plan involved reorganizing or modifying

the provisions; an agreement as to the method of posting these provisions had not been reached on May 27, 1935. In case of each subdivision of the Fishery industry the applicable provisions from the basic and pertinent supplementary code were combined into a single poster prearranged to bring the provisions on the same topic together.

(a) Special Devices.

Certain devices were utilized or planned to make the results more readable and effective.

i. Rearrangement.

The code for the cotton textile industry--the first code--did not conform in style or method of presentation with the later standardized forms, and many provisions were added in amendments. For purposed of the labor poster, material was rearranged so that all the pertinent provisions and orders were placed under the general headings "HOURS", "WAGES", "DEFINITIONS" and "GENERAL EMPLOYMENT PROVISIONS".

ii. Rewriting.

Separate posters were prepared for each division--production, exhibition and distribution--of the Motion Picture industry. The provisions established for the production division required that rules and regulations, and interpretations governing employment of extras "be adopted". (*) These interpretations and rules and regulations proved to be of such length that an additional poster was required. In order to make them comprehensible it was necessary that they be slightly rewritten for posting purposes. Permission for this rewriting was obtained from the deputy. (**)

(*) Motion Picture industry, Codes of Fair Competition, Volume 3, page 228:

"Section 3 - Provisions regarding 'extras' - 1. The code authority provided for in this code shall undertake and provide for rules and regulations to be adopted by all casting agencies and/or producers with respect to extras and shall appoint a standing committee representative of employers, 'extra players', and the public, to effectuate the foregoing poster and to interpret the terms of any provisions made for 'extras' and to supervise the same, receive and pass on complaints and grievances and to otherwise aid in effectuating the foregoing provisions, subject to review by the Administrator."

(**) But see below, p.24. The poster was never distributed.

iii. Briefing.

Another device was that of briefing the pertinent facts in regard to wages and hours and placing this summary at the head of the poster. This sort of modification was approved by the Advisory Council of the Administration in the Spring of 1935 to apply to all new labor posters to be prepared under the proposed amended National Industrial Recovery Act. (*)

(*) Advisory Council Decision, Vol. IV, P. [illegible], reads as follows:

DECISION NO. 208
April 3, 1935

Office Manual — Posting

Detailed recommendation on tentative Office Manual.

The following recommendation relates to posting:

There is a definite feeling in the Council that both the customary labor posters and the routine of preparing them are over-elaborate. There is no need for reconsidering the poster problem at the moment, but if codes are revised, new posters will be needed. Consequently the suggestion made below are aimed at developing procedure for the new posters, if any.

The amount of detail crowded into the typical poster is so great as to render it incapable of being understood by the average workman for whose assistance and protection it is provided. Even if it it means the sacrifice of legal information necessary for the prosecution of an occasional law suit, the form should be greatly reduced. Specifically, the Council questions whether it is necessary to include the definitions of the industry, all of the ponderous language concerning stays, exemptions, interpretations, extensions, and administrative orders except insofar as they bear on wages and hours of labor and are capable of intelligent contraction.

Sample of such a condensation of the official poster of the Pump Manufacturing industry is attached, prepared by the Labor Advisory Board. It is extremely brief, but even so includes the essentials. The council offers it, not as an approved document, but as an exhibit of the sort of skelton which might be developed. Some of the information that it does not include may on rare occasions be important to the maintenance of good working conditions, but the increased extent to which what is posted will be read and understood is certain to out-balance merely speculative losses on that score. Possibly, some such skelton could be presented in large type, and the exact details of the code printed in small type. Of course, if revision leads to simplification of labor provisions, the problem becomes less significant.

It should also be possible to simplify procedure. The council believes that the process of preparing and securing approval of posters can be shortened without risk of serious error or improper emphasis. Instead of the present procedure of having a poster prepared and then referred to the Advisory Boards, it might be prepared in a single meeting with the code advisers.

iv. Simplifying.

Another plan was for simplification by rewriting the labor provisions in briefer form. The code authority for the restaurant industry authorized the acting Administration Member to draw up a proposed simplified poster for that industry. At the time of the Supreme Court decision the preparatory work on the simplified poster had been completed and it was ready for submittal to the Code Authority.

(b) Supplementary Laterials

i. Area Agreements

The basic Construction code provided for area agreements between employers and employees covering hours, wages, and employment conditions which when approved became binding upon such groups in the area. (*) In anticipation of these agreements a boxed statement was included on each Construction labor poster which read as follows:

> "There must be inserted here by the code authority reference to any applicable mutual or area agreement made under provisions of Section 1 of Article III, chapter 1, quoted above. The copy of this agreement must be posted along with each copy of this official poster."

A space was provided immediately below this box for a listing of the area agreement number and the date of NRA approval of such agreement. Posters for approved agreements were modeled after official labor posters. (**)

(*) Construction industry, Codes of Fair Competition, Vol. V., Article III, Section 1, p.

> "Section 1 - In each division or subdivision of the industry, as defined in the chapter incorporated in this code relating thereto, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining may by mutual agreement (when approved by the President as provided in Section B of the code), for a specifically defined region or locality the standards of hours of labor, rates of pay, and such other conditions of employment, relating to occupations or types of operations in such division or subdivision, as may be necessary to effectuate the policy of Title I of the Act."

(**) See appendix for example: Electrical contractors, Cook County, Illinois.

ii. Wage Schedules.

Some codes required that special wage schedules for skilled employees be submitted to the Administration for approval. (*) When these special wage schedules were approved it was necessary that they be posted along with other provisions. The wage scales for skilled labor in the Leather and Woolen Knit Glove Industry required three posters in addition to the one containing code labor provisions. While the disadvantages of quadruple posting were recognized, no other method was available to make these provisions accessible to employees. Operations were grouped according to actual grouping in industrial plants so far as possible, and each wage-scale poster was prefaced with the statement that it should be conspicuously posted alongside the labor provisions poster for the industry in work rooms where cutters, sorters, trimmers, (or other types of operators covered by the poster) were employed. This eliminated the need for posting all four at one place unless all types of skilled operators were employed in the same work room.

iii. Hazardous Occupations.

Practically every approved code contained a provision prohibiting the employment of persons under 18 years of age in any occupation hazardous by nature or detrimental to health. These provisions in addition usually required the Code Authority to submit a list of such occupations. It was necessary that these lists be posted with the labor provisions in order to inform employees of the regulations on hazardous employment. If the list had been approved by the Administration before the poster for the industry concerned was printed, the list was incorporated in the official labor poster immediately following the provision prohibiting employment in these hazardous occupations. If the poster for the industry had been printed prior to the approval of the list, the list was held until sufficiently important modifications were made to the labor provisions to warrant a poster reprint, or the list was set up on an official modification sticker (**) which was transmitted to members of the industry through their Code Authority to be attached to their official labor poster. The length of many of these lists required the use of smaller type than the standard ten point which had been agreed upon.

(*) Example: Leather and Woolen Knit Glove Industry, Article IV, Section 6 and 7, p. 377, Vol.2, Codes of Fair Competition.
"Section 6- The minimum rates of wages of skilled workers provided for in paragraph 1 of this article shall be proclaimed from time to time by the code authority, after approval by the Administrator. The aforesaid minimum scales of wages shall be based upon the Fulton County wage scale, with any revisions, additions, amendments, or adjustments approved by the Administrator to meet original conditions and to maintain fair competition in the industry.
Section 7 - Employers shall post in their work rooms such copies of wage schedules in effect from time to time that may be distributed by the code authority."
(**) See below, p. 16.

2. Amendments and Modifications.

Keeping posters up to date was difficult, especially in cases where the codes were frequently amended.

In cases where changes were not sufficiently long to warrant reprinting of the entire poster, modification stickers were printed and distributed. This modification sticker was to be pasted at the bottom of the labor posters in the space provided for modifications. Some of the first stickers printed failed to mention the name of the code to which they applied. The later stickers contained directions for posting as well as code name, number, and the notice that the sticker constituted an official copy. The official stickers were distributed by the code authority in franked envelopes in a manner similar to the distribution of official labor posters.

The experience of the lumber and timber products code illustrates the difficulties of keeping up to date when numerous amendments were offered and approved. By May 27, 1935, there were 31 approved amendments to this code, many of them making significant changes in labor provisions. It was impossible to make the necessary changes in the posters by use of modification stickers because of the complex nature of both the amendments and the original provisions. The size of the industry made it financially impracticable for the Administration to reprint the entire poster every few months. At the time of the Supreme Court decision a completely revised poster for this industry was being prepared.

The official labor posters for the textile and apparel industries were among the most difficult to prepare because of continual changes in the code provisions and the jurisdictional problems between these industries. Amendments were proposed, heard and approved. Code provisions were stayed. Changes were so frequent that a poster correct when printed would be out of date within a few weeks. The Cotton Garment industry code had approximately twenty-five modifications and nine amendments to the labor provisions approved. The Dress Manufacturers code presented a similar problem.

3. Safety and Health Booklets.

More than three hundred approved codes contained provisions for the formulation of safety and health standards, which standards, when approved, were regarded as parts of the codes. Late in March 1935, by which time nine sets of safety and health standards had been approved, consideration was given to methods by which these standards could best be made available to the employers and employees of these industries. It was decided that the booklet form would be preferable to the poster form, since the booklets could be prepared by roto-printing, and thus avoid the delays encountered in the Government Printing Office. These pamphlets would consume less wall space than posters and, therefore, would encounter less opposition to posting from employers.

A sample safety and health pamphlet was prepared for approval, in order to test the advantages of this method of reproduction. But the invalidation of the act cut short any further development of this program.

4. Translation.

In a number of cases codes had to be translated into the languages in common use among employees in certain industries which employed large numbers of non-English speaking workers. The responsibility for translation fell to the Labor Advisory Boards. The NRA Puerto Rican office supplied Spanish translations of the Puerto Rican codes. In order to assure the posting of both posters whenever necessary a statement in Spanish to the effect that a Spanish translation of the poster must be posted in plants employing Spanish speaking workers was placed in a conspicuous box in the upper right-hand corner of the English poster.

The code for the Needlework industry in Puerto Rico presented special problems not only because of the necessity of translation in Spanish, but also because of the continuous modifications which were made in the wage rates established by the code. Each approved modification had to be translated and the appropriate changes made on the poster copy.(*)

It was decided by the posting group, after consultation with the deputy and labor advisers concerned, that the Retail Kosher Meat trade code should be translated into Yiddish for posting purposes.(**) A Yiddish translator was employed, and the translation was sent to New York for printing.

The code for the Handkershief industry provided by amendment #2, approved October 31, 1934, that "posted copies of the labor provisions of this code and of the said interpretations shall be in English and in any other necessary language or languages".(***) The code authority requested that owing to the large percentage of Polish workers, labor posters be translated into Polish. In this case the code authority was authorized to have the translation made, subject to the approval of the Administration.

In the case of the Coat and Suit industry, the code authority prepared a tri-language poster (English, Yiddish, and Italian) which was approved by the Administration as the official labor poster for that industry.

(*) The Labor Advisory board had no adequate facilities for checking the accuracy of these translations. Certain errors in translation were found to have crept into the Spanish poster for the Needlework industry.

(**) Retail Kosher Meat Trade, Schedule A, of the Retail Meat code, approved December 21, 1934, No. 540.

(***) Handkerchief industry, Amendment #2, codes of fair competition, Volume XVIII, Section 10, amended, p. 469.

G. Time Lag.

The time lag was a serious problem. Many criticisms were voiced both within the Administration and by code authorities on the delays in getting posters printed and distributed. But under the conditions prevailing, delays could not be avoided. From three to five weeks were usually required for the printing operations alone, (i.e., from the time the prepared copy was sent to the Government Printing Office to the time the finished copy was sent from the Printing Office to the code authority for distribution). The work of preparation was performed under great handicaps. In the first place, no full time personnel was assigned to poster preparation work. The persons to whom the work was assigned added it as extra work to their other full-time responsibilities. Much of the posting work had to be done by overtime work on evenings and Sundays. This condition was only remedied after a number of months by taking on more personnel.

A second difficulty was caused by delays in securing copies of the numerous Administrative Orders affecting labor provisions of codes. Though all that was necessary was to have a typist copy the content of the original orders as filed in the Code Record section, because of lack of typists available to the Labor Advisory board, upon which this work devolved, it frequently took a week or more to obtain copies. During the last few months of poster activity, an arrangement was made that as new orders were approved, the Code Record section would supply copies of the pertinent orders to the personnel in charge of poster preparation.

An important cause of delay was due to amendments and modifications. In some cases lengthy amendments to labor provisions were pending at the time the posters were being prepared; these were often so long that modification stickers could not be used but the entire poster had to be reprinted. This condition was especially true of the codes in the textile and apparel groups. When the cotton textile labor poster was finally ready for printing the modification sticker of September, 1934 was already needed. In case of the cotton garment code, the north and south wage differential remained indeterminate for months while temporary stays and exemptions were issued. Under such conditions, printing the posters seemed almost of doubtful value since by the time the printed poster reached the code authorities, numerous changes needed to be incorporated and the poster revised and reprinted.

A further source of delay was the failure or inability of code authorities to furnish estimates of the number of posters required. Though preparation of labor posters was commenced immediately following the approval of rules and regulations governing posting of labor provisions in February, 1934, (*) printing of the posters did not begin until May, when

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(*) Administrative Orders X-6 of February 12, 1934, and X-7 of February 28, 1934.

the first estimate was received from a code authority.(*)

(*) History of the Insignia Section, Communications Division, W. M. Duvall, Chief, August 28, 1935 (filed with "HISTORY OF NON-INDUSTRY DIVISIONS AND BOARDS", NRA) p.11:

> "Since the first step in the procedure set up by Administrative Order X-7 required the making of application by employers for official copies of labor provisions, and application form was prepared and made available for distribution at an early date, copy annexed.
>
> A general distribution of this form through post-offices, however, was found impracticable since the Administrative order required employers to make application for labor posters through the proper code authority. Code Authorities were advised on February 23, 1934 in a letter issued by William H. Davis, the then National Compliance director, of their duties and obligations in connection with Administrative Order X-7.
>
> Publicity was prepared and issued to the press and other agencies in an attempt to acquaint employers with responsibilities under the Executive order of February 8 and the administrative order of February 28 and every attempt was made to put pressure on code authorities in order that they would effect a distribution of the application form by April 14, 1934, the expiration date of the 45 day period for employers to make application. At the code authority conference held in Washington during the week of March 5, code authorities were again urged to co-operate.
>
> By March 30, some two hundred and fifty code authorities had obtained application cards and either had completed distribution or were in the process. Approximately 100 code authorities had failed to requisition supplies of these forms and determined efforts were made in a last minute drive to secure results. Their continued delay required issuance of Administrative order X-21, dated April 14, extending the time in which employers might make application until May 15."

From this time on applications for posters were received almost daily from code authorities, but the Government Printing Office was unable to keep up with the poster work supplied by the Administration. As a result, in many cases months were required to fill the applications.(*)

(*) A detailed record of time required in poster preparation was kept by the Labor Advisory board personnel in charge. NRA Archives.

IV. PROBLEMS OF ADMINISTRATION OF POSTER PROVISIONS

A. Issuance of Unofficial Posters by Code Authorities.

One of the problems of administration of the poster provisions was the issuance of unofficial posters by the code authorities and action by code authorities beyond or in violation of the poster provisions.

Certain code authorities insisted upon including unofficial material on the labor poster. The code authority of the Radio Broadcasting industry sought to have its own, unofficial, interpretations of certain labor provisions of the code placed on the official labor poster. When informed that the interpretations could not be so included unless and until they were given official approval and made effective by means of an Administrative order, the code authority printed and distributed its own labor poster containing these interpretations and listing the code authority as an agency for receiving complaints of labor violations. This unofficial code authority labor poster was distributed to members of the industry along with the Administration's official labor poster for the industry. At the same time members of the industry were supplied with Bulletin #20 of the code authority of this industry which severely criticized the Labor Advisory board of the National Recovery Administration for refusing to allow the inclusion of the unapproved interpretations and suggested that industry members comply with the Administration posting requirements but also post the notice of code authority origin.(*)

The case of the Hosiery industry may be discussed here, though in this case the code contained a provision delegating to the code authority the determination of the material to be included on the posters, the issuance and distribution as well as the method of posting.(**)

(*) The procedure of the code authority in this regard was challenged on the ground that the code authority in issuing its poster was in effect violating the rules and regulations effectuated under the Executive order of February 8, 1934, dealing with the posting of labor provisions. The case was brought before and discussed by the posting committee with the result that the Industrial Advisory board member of said committee asked for the opportunity to handle the problem informally. This was granted and the situation was in the process of rectification at the time of the Supreme Court decision.

(**) Codes of Fair Competition, Vol. I., p. 247. Article IX, Section 3(a):

"3. It shall be the duty of the code authority to: (a) Issue and distribute to all persons in the industry, from time to time, such posters or notices as, in its judgment, shall be displayed in the plants of the industry for the purpose of bringing to the attention of all employees, provisions of the code which affect them, and interpretations thereof by the code authority. The code authority may specify the manner in which such notices or posters shall be displayed. Failure to comply with such instructions shall be an infraction of the code."

This provision also allowed the code authority to post any interpretations they deemed necessary. The poster was therefore issued by the Hosiery Code authority prior to the issuance of the official NRA poster for the industry. The code authority objected to replacing their poster with the official poster both because of the difference in size, -- which might necessitate new poster cases -- and because the Administration was unwilling to include the (unofficial) code authority interpretations and explanations on the official poster. In addition, the code authority had included its name and address as an agency for receiving labor complaints. But this code authority had never been officially authorized to handle labor complaints and therefore could not be so listed on the official labor poster. Several conferences were held on this matter. The Administration agreed to expedite the proposed plan for a labor complaints committee and the code authority agreed to submit its interpretations and explanations to the Administration for approval. Action was also instituted to modify the provision in the Hosiery code, Article IX, Section 3(a) to bring it in line with Administration policy. These steps had not been completed by May 28, 1935.

B. Distribution Difficulties.

Certain code authorities refused to distribute posters because they were not listed on the posters as an agency to which labor complaints might be directed. Code authorities could not handle labor complaints unless they had been specifically so authorized.(*) Upon explanation these difficulties and misunderstandings were usually cleared up.

Some code authorities refused to distribute the labor posters to industry members because of specific objections to some of the included material and references. The posters for the Daily Newspaper Publishing industry, printed and sent to the code authority on August 20, 1934, were never distributed. The principal objection of this body was to the inclusion of any of the conditions outlined in the Excutive order approving that code. These conditions concerned child labor and workers in the news departments. These code authorities also objected to the inclusion of additional comments on these subjects made by the President to the Administrator in a letter immediately following his order of approval of the code.(**) The code authority insisted that its name be listed on the poster as an agency with which labor complaints could be filed. As it had never been authorized to handle complaints this inclusion could not be allowed. An agreement on these differences was never reached and the posters were never distributed by the code authority.

(*) See Administrative Order X-69.

(**) Code for the Daily Newspaper Publishing Business, Codes of Fair Competition, Vol. VII., p. 69 through 71.

Printing of the Iron and Steel labor poster was begun in June, 1934, but was never completed. Representatives of the Iron and Steel Institute filed objections, on behalf of the institute, to the inclusion of that part of the Executive order approving the code which provided for elections by employees in the industry of representatives for purposes of collective bargaining as provided in Article VI of the code and section 7(a) of the NIRA (*) Because of this inclusion, the code authority refused to accept the official labor poster and to make distribution of the same to members of the industry. The Administration was unsuccessful in attempting to overrule the objection of the code authority which flatly refused to be subject to established posting policy. The Labor Advisory board vigorously objected to the compromise which was finally made between the industry and Administrator. As a result of this objection by the Labor Advisory board the compromise poster was never printed.

The Code Authority for the Railway Car Building industry refused to make distribution of the labor posters for that industry until an amendment was approved removing the shorter work week allegedly imposed on the industry by the order approving the code .(**) There was also a disagreement as to the effective date of this code, — a controversy which also affected the labor poster as each poster reported the code approval date. These differences with the code authority were never satisfactorily resolved, and, as a result, distribution of the official labor poster was never achieved.

(*) Executive Order approving the code for Iron and Steel Industry, Codes of Fair Competition, Vol., p. 328:

> "2. In order to insure the free exercise of the rights of employees under the provisions of Section 7 of this Act and of Article IV of this code, I will undertake promptly to provide, as the occasion may demand, for the election of employees in each industrial unit of representatives of their own choosing for the purpose of collective bargaining and other mutual aid and protection, under the supervision of an appropriate governmental agency and in accordance with suitable rules and regulations."

(**) Code for the Railway Car Building Industry, Codes of Fair Competition, Vol. VI, p. 552.

Difficulty was encountered in preparing the official labor posters for the Motion Picture industry. This was due to the fact that the code authority had set up committees to hear labor complaints. As these committees had never been officially approved by the Administration as agencies for the handling of labor complaints they could not be listed as such on the official labor posters. When the posters were printed and sent to the code authority, that body refused to accept them, claiming that it had the right to set up such committees in accordance with Article II, Section 4 of its code.(*) This controversy was never satisfactorily settled and no distribution was made of official labor posters.

In various instances code authorities were unable to effect complete distribution because of their incomplete registration lists of industry members. This was especially disturbing in the Retail trades, where the problem was met by having the local Retail code authorities make distribution to the best of their ability and by supplementing this distribution by the use of the NRA State Compliance offices.

The budget for the Restaurant code authority was not approved until the spring of 1935, at which time a reorganized code authority attempted to function. Owing to the large size of the industry, the small budget, and the fact that assessments in accordance with this budget were never made, it was a financial impossibility for the code authority to handle the distribution of its official labor posters. In addition, the available list of industry members was most incomplete. The Administration therefore took over the distribution of these labor posters. Owing to the inadequate lists of industry members, only a small percentage of the membership received them.

Perhaps the most difficult distribution problem was encountered in the Service trades. The code authorities for these trades were suspended by an Executive order which removed all provisions except those governing child labor, hours, wages and employment conditions.(**) The trades ultimately affected by this order were:

Advertising Display Installation	Cleaning & Dyeing
Advertising Distributing	Hotel
Barber Shop	Laundry
Bowling & Billiard Operating	Motor Vehicle Storage & Parking
	Shoe Rebuilding

Because of the misunderstanding and confusion which followed the President's service trade order it was important that the employees in these trades be correctly informed as to the status of their code provisions.

(*) Code for the Motion Picture industry, Code of Fair Competition, Vol. III, Article II, Section 4, p.222.

(**) Executive order #6723 of May 26, 1934.

Newspapers had been carrying headlines announcing that the Administration had virtually dropped all service trades. As the code authorities had ceased to function and as industry memberships lists were unavailable, it was necessary for the Administration to formulate a new method of distribution . On August 15, 1934, a notice was sent to each establishment in the nine service trades listed above. These notices were distributed through all first, second and third class post-offices in the United States. They informed trade members as to which provisions of their respective codes were still in effect and supplied them with the necessary application cards, which, properly filled out and returned to the Administration, would bring them their Code Eagles and labor posters. As a result of a suggestion by the Labor Advisory board to bring about increased compliance with posting requirements in these trades, a statement was added to all service trade code eagles to the effect that the display of the eagle should be accompanied by the posting of the official labor poster in the establishment.

C. Compliance and Inspection.

Another problem was the question of compliance. It was difficult to obtain definite knowledge of the extent of compliance with labor poster provisions. In numerous instances violations of the rules and regulations governing posting were known to exist. These violations varied from mere cases of posting in places not accessible to all employees, to non-posting. The Compliance division established a rule that in all investigations of reported violations of any code provision, inquiry should be made as to posting of the official labor posters. Although many cases of inadequate posting were discovered in this manner, it was impossible to thus secure complete complaince since complaints depended upon the employee's being informed (usually through the poster) of the code provisions and where to report violations of them.

During the early months of 1935, a routine procedure was adopted requesting all code authorities to submit to the Administration, within two weeks after receiving the labor posters for their industry, a report on the progress made in the distribution of these posters. The establishment of this procedure helped to correct only one angle of the problem. It was known that in a number of industries, of which the code authorities had been supplied with posters, members were not complying with the posting requirements. This was probably due both to the code authorities' inability to make complete distribution to industry members, and also to the unwillingness of some industry members to display posters.

To aid this poster compliance situation, a plan of inspection was proposed. However, expense of employing field inspectors to verify compliance with posting requirements in individual establishments was prohibitive. The possibility of using FERA employees for a number of weeks to make country-wide check-up on all establishments was considered. The plan was not adopted because of difficulties in detail and the possible transportation expenses involved.

D. PRA Posting

In December, 1934, it became evident that many small and several important large industries intended to continue operating under President's Reemployment Agreement substitutions as all attempts at code negotiation had failed. The need was recognized of informing the two to three million workers in these uncodified industries of the provisions of the PRA substitution applicable to their employment if the Blue Eagle was being displayed.(*)

A posting meeting, attended by representatives from all advisory boards, and the Compliance and Legal divisions was held in the office of the chief of the Communications Division on January 18, 1935. The

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(*)The importance of the Blue Eagle (signifying compliance) in certain of these industries should not be underrated. Executive Order 6246 of August 10, 1933 required that every contract entered into by the United States provide and require that:

> "1(a) - The contractor shall comply with all provisions of the applicable approved code of fair competition for the trade or industry or subdivision thereof concerned, or, if there be no approved code of fair competition for the trade or industry or subdivision thereof concerned, then with the provisions of the President's Reemployment Agreement promulgated under authority of section 4(a) of the foregoing act, or any amendment thereof, without regard to whether the contractor is himself a party to such code or agreement: Provided, That where supplies are purchased that are not mined, produced, or manufactured in the United States the special or general code of fair practice shall apply to that portion of the contract executed within the United States."

Many of the state and municipal governments enacted similar requirements. The repercussions of these orders were felt especially by the uncodified public utility industries, telephone, telegraph, and electric light and power; all of which do considerable business with governmental units.

problem of labor posters for PRA substitutions was presented by the Labor Advisory board representatives, and it was unanimously decided to seek to secure new Executive and Administrative orders to amend the PRA so that the display of the Blue Eagle after a specified date would require the posting of the appropriate PRA or substitution provisions. The Legal division was requested to prepare rough drafts of the necessary orders to allow for this posting, and the representative of the Compliance division was requested to prepare a list of the PRA substitutions in effect.

On January 25, 1935, the Legal Adviser transmitted the drafts to the Labor Advisory board with a memorandum expressing doubt as to their legality. On April 5, 1935, the general coordinator of the Legal division sent the Labor Advisory board a revised draft of the proposed Executive order. An accompanying memorandum stated in part that;

> "This is submitted to you on the understanding that it has not received final Legal division approval but is in reasonably decent shape for you to discuss."

A new memorandum, received April 20, 1935, upheld the legality of the proposed modification of Executive order 6590-B so as to require the posting of PRA substitutions.(*)

Plans were made for taking preliminary steps for preparing PRA labor posters to be ready for issuance if the National Industrial Recovery Act was extended by Congress and if the PRA were extended under the amended Act.

(*) Letter from L.M.C. Smith to H.H. Collins, April 20, 1935. NRA Archives.

V. SUMMARY

The experience gained through the posting program of the National Recovery Administration shows clearly that any effective program of posting labor regulations must be premised on the existence of clearly worded and easily understood labor provisions. The necessity for comprehensive industry mailing lists should not be understimated, as adequate distribution is a vital consideration in any posting program. These considerations plus an adequately trained posting staff with easy access to the necessary files and records are essentials to the successful accomplishment of any labor posting program.

The outstanding criticism was that they were too complicated; this is essentially a criticism of the codes rather than of the posters themselves. A second difficulty was the time lag which was a very serious handicap to prompt compliance; its remedy lay in increased personnel and development of expediting procedures.

A special difficulty was the problem of special exemptions applicable to individual establishments. These exemptions were not noted on the official labor posters unless they applied to at least a sizable portion of the whole industry. The majority of these exemptions were not of this type, applying usually to one plant only. The confusion resulting gave non-cooperative employers the opportunity to deviate from code labor provisions by alleging an exemption. Many employers would petition for exemption and then immediately modify code labor provisions in anticipation of favorable action by the Administrator on their plea. The validity of the employer's contention in this regard could not readily be ascertained by his employees as the official labor posters took no cognizance of approved exemptions. This condition could have been rectified by the adoption, by the Administration, of a standard condition to be included in all exemption approvals, stipulating that the exemption was granted on the condition that employers affected would post and keep posted complete official copies of the exemption order adjacent to each official labor poster. This type of clause was inserted in several exemption orders by the Labor Advisory Board, and negotiations were under way for its adoption as general Administration policy at the time of the expiration of Code Administration on May 27, 1935.

APPENDIX I.

SUGGESTIONS FOR FURTHER STUDY

A survey of existing state posting procedure (covering State labor legislation) would be of great value. For this purpose a questionnaire has been developed to be submitted to State Labor Departments. As the states vary greatly in such activities, the questionnaire might be transmitted with an explanatory letter to the following 21 industrial states:

Arkansas	Michigan	Ohio
California	Missouri	Pennsylvania
Colorado	Montana	Rhode Island
Connecticut	New Jersey	Virginia
Delaware	New York	Washington
Illinois	North Dakota	Wisconsin
Massachusetts	Oregon	New Hampshire

The following group of industrial states should be reached by means of individual letters with specific references to those sections of their laws which make reference to posting. Specific questions should be asked pertinent to varying state conditions:

Alabama
Florida
Georgia
Indiana
Kentucky
Maryland
North Carolina
Texas
West Virginia
Tennessee

It is doubtful whether any pertinent information in regard to posting could be obtained from the following 17 states:

Arizona	Minnesota	South Carolina
Idaho	Mississippi	South Dakota
Iowa	Nevada	Utah
Louisiana	New Mexico	Vermont
Kansas	Nebraska	Wyoming
Maine	Oklahoma	

It is doubtful if more than a few states have fully recognized the potential value of labor posters, setting forth the pertinent regulations of state law. Thorough inquiry among states concerning methods and devices to acquaint employees with regard to employment conditions would bring together information of great value.

QUESTIONNAIRE TO STATE LABOR DEPARTMENTS

Posting of Labor Laws

1. Check types of laws posted in your State:

___ Hours.
___ Time for meals.
___ Starting and Finishing time.
___ Wages (including Minimum Wages).
___ Child Labor.
___ Safety.
___ Any laws governing employment conditions(hours - wages) in a specific industry.

2. List laws which specifically require posting of provisions:
(If no posting requirement is made in the law itself, has there been an order to this effect by the State Authority?)

3. Check method used in posting:
(If different methods used for various posters, place name of specific law in parentheses after check)

___ Laws posted in full.
Was the language of the law of such nature as to be understood by employees?_____

___ Laws abstracted or modified in some manner.

Check reasons:

___ Easier to understand.
___ Smaller and more concise posters.
___ Easier posting.
___ Other reasons _____

Check basis of simplification:

___ Discretion of Commissioner.
___ Authorization by Law.
Others _____

List Legal difficulties encountered in simplification:

4. Record regulations or standards governing the following:

Size of type for printing _____

Type of material used for posters (paper or cardboard) _____

_____

Location of posters in establishments _____

Number of posters in each establishment _____

5. Check if poster indicates with regard to filing of complaints:

___ Place for filing complaint.
___ Method of filing complaint.
Describe method of filing complaint _____

_____

List other methods used for encouraging employee compliance activity:

6. Check method of distributing posters:

___ All establishments under the jurisdiction of the law.

How were the addresses of the establishments obtained?_____

_____

___ Posters furnished only upon request.

Means used to publicize the need for displaying a particular poster _____

_____

___ Other methods

Describe _____

_____

7. Check method of poster modification when amendments to laws were enacted.

___ Reprinted.
___ Errata sheets or "stickers" containing the necessary modifications attached to posters.
___ Other methods.
List them _____

8. During plant inspection what check was made on poster compliance?

9. Had it been possible to ascertain whether posting of laws has aided in obtaining better compliance with the laws?

10. What was the employer's attitude in regards to posting of laws?

___ Favorable.
___ Unfavorable.
On what were the objections based?_____

_____

Fill out and return to:
Labor Studies Section,
National Recovery Administration,
Washington, D.C.

9842

APPENDIX II

SAMPLES OF POSTERS

Number	Illustrative of	Industry
1	Early method of handling supplemental codes Area agreement reference box Early type instructions on complaint filing	Wood Floor Contracting (Div. of Construction)
2.	Final method of handling supplemental codes Revised instructions on complaint filing	Midwest Fish & Shellfish Preparing or Wholesaling (Div. of Fishery Ind)
3	Method of marking revised editions of posters Inclusion of Hazardous Occupation List Extract from Order Approving Code	Used Textile Bag
4	Foreign language poster (Yiddish)	Retail Kosher Meat Trade
5	Construction area agreement poster	Electrical Contracting (Cook County, Ill.)
6	Rearrangement of applicable provisions	Cotton Textile
7	Special exemption poster (with map)	Country Grain Elevator
8	Statement used to insure posting of foreign language poster when necessary	Needlework in Puerto Rico
9	Modification sticker	Air Transport

OFFICIAL COPY
KEEP POSTED CONSPICUOUSLY IN ACCORDANCE WITH LAW

NRA U.S. CODE

NATIONAL RECOVERY ADMINISTRATION

Labor Provisions

FOR THE

Wood Floor Contracting Division of the Construction Industry

(APPROVED BY THE PRESIDENT MAY 29, 1934, AND EFFECTIVE JUNE 28, 1934)

APPROVED CODE No. 244—SUPPLEMENT No. 11

CHAPTER I—GENERAL PROVISIONS

ARTICLE I—APPLICATIONS

The provisions of this Code shall apply to the entire industry as hereinafter defined, excluding operations therein undertaken in accordance with bona fide bids made not more than sixty (60) days prior to the effective date, or contracts entered into prior to the effective date, except that the provisions of each chapter incorporated in this Code shall apply only to the division or subdivision of the industry defined in such chapter. In the case of conflict between such chapter provisions and the general provisions of this Code, the chapter provisions shall govern. If any other code of fair competition or a provision thereof, heretofore or hereafter approved by the President, shall conflict with this Code or with any provisions thereof, the Administrator may hold such hearings as he may deem necessary and thereafter may, if in his judgment justice requires, grant such stay, exception, or exemption or make such other determination as he may deem advisable to effectuate the policies of the Act.

ARTICLE II—DEFINITIONS

Section 1. The term "construction industry" or "the industry" as used herein shall include the designing and the constructing of (and the installing and the applying, including the assembling at the site, of manufactured parts and products incorporated in and to):

(a) Building structures, including modifications thereof and fixed construction accessory thereto, intended for use as shelter; and other

(b) Fixed structures and other fixed improvements and modifications thereof, intended for use in industry, commerce, sanitation, transportation, communication, flood control, power development, reclamation, and other similar projects or services; and such related divisions or subdivisions thereof as may be defined in chapters hereof and included hereunder with the approval of the President.

Sec. 2. The term "division of the industry" or "division" as used herein shall mean a branch of the industry which has been or may hereafter be defined in a particular chapter of this Code. The term "subdivision of the industry" or "subdivision" shall mean a defined section of a division.

Sec. 5. The term "employee", as used herein, shall include any person engaged in any phase of the industry, however compensated, but excluding members of the industry.

Sec. 6. The term "employer", as used herein, includes anyone by whom any such employee is compensated or employed.

Sec. 11. Population, for purposes of this Code, shall be determined by reference to the 1930 Federal Census.

ARTICLE III—HOURS, WAGES, AND CONDITIONS OF EMPLOYMENT

Section 1. In each division or subdivision of the industry, as defined in the chapter incorporated in this Code relating thereto, truly representative associations or groups of employers and employees respectively concerned, after proper notice and hearing and as a result of bona fide collective bargaining, may establish by mutual agreement (when approved by the President as provided in Section 7 (b) of the Act), for a specifically defined region or locality the standards of hours of labor, rates of pay, and such other conditions of employment, relating to occupations or types of operations in such division or subdivision, as may be necessary to effectuate the policy of Title I of the Act. For the purposes of this section, the entire United States may be defined as a region. The terms of such an agreement between the employers and employees of a division or subdivision of the industry shall not be binding upon the employers and employees of any other division or subdivision of the industry.

After the President has approved any such agreement arrived at within any such division or subdivision and after proper notice of such approval, it shall be deemed prima facie unfair competition for any employer in such division or subdivision to fail to comply with the standards of maximum hours of labor, minimum rates of pay, or other conditions of employment as approved and prescribed by the President, in respect of the performance within the defined region or locality of the types of operations concerned, and the failure of such an employer to desist from such unfair competition after being given due notice and opportunity to be heard, shall constitute a violation of the requirements of this Code.

The Administrator shall establish one or more Boards for each division or subdivision of the industry concerned to investigate any complaints of unfair competition as defined in this Section. Each such Board shall consist of two representatives each of employers and employees of the division or subdivision affected, selected by the Administrator from nominations made by such employers and employees respectively in such manner as the Administrator may approve or prescribe, and an impartial chairman named by the Administrator from nominations made by the employer and employee representatives selected to the Board. Each Board shall give notice and opportunity to be heard to each complainant and respondent and thereafter notify said parties of its findings and report them to the Administrator, as a basis for appropriate action to enforce the requirements of this Code. The provisions of this Section shall not be construed to limit the power of the President, in the absence of such a mutual agreement, to exercise any authority conferred upon him under Section 7 (c) of the Act.

Sec. 2. Where no applicable mutual agreement, as provided in Section 1 of this Article, shall have been approved, employers shall comply with the following provisions as to minimum rates of pay and maximum hours of labor.

A. No employee, excluding accounting, office, and clerical employees, shall be paid at less than the rate of forty (40) cents per hour, provided, however, that the provisions of this paragraph A shall not be construed as establishing a minimum rate of pay for other than common or unskilled labor, and provided further that such provisions shall not be construed to authorize reductions in existing rates of pay.

No accounting, office, or clerical employees shall be paid at less than the rate of $15.00 per week in any city of over 500,000 population or in the immediate trade area of such city; $14.50 per week in any city of between 250,000 and 500,000 population or in the immediate trade area of such city, $14.00 per week in any city of between 2,500 and 250,000 population or in the immediate trade area of such city, and $12.00 per week in towns of less than 2,500 population.

The foregoing provisions of this paragraph A establish a minimum rate of pay which shall apply, irrespective of whether an employee is actually compensated on a time rate, piecework, or other basis.

B. No employee shall be permitted to work in excess of forty (40) hours per week or in excess of eight (8) hours in any twenty-four (24) hour period, with the following exceptions and limitations:

1. On application of the interested parties and after approval of the National Construction Planning and Adjustment Board or Regional Boards established by it, an employee may be permitted to work forty-eight (48) hours in any one week when the following conditions obtain:

(a) On projects located at points so remote and inaccessible that camps or floating plants are necessary for the housing or boarding of a majority of the labor employed.

(b) On such remote projects, when working time has been lost because of inclement weather or unavoidable delays in any one week, it may be made up in the following four weeks.

(c) On projects in localities where a sufficient amount of qualified labor is not available in the immediate vicinity of the work.

2. The foregoing maximum hours of work shall not be construed as a minimum, either for a day or for a week, and if at any time in any locality truly representative groups of employees in a division or subdivision of the industry through their chosen representatives, express by written request to their employer or employers a desire to share available work in such division or subdivision, the number of hours of work may be reduced by mutual agreement between such employees and their employer or employers. In the event of inability to arrive at an agreement which will not involve undue hardship on either employees or employers, then such difference, with the consent of all parties in interest, may be submitted to the National Construction Planning and Adjustment Board for a decision. The National Board may require the Regional Boards to secure facts and full information relative to such dispute and submit the same to the National Board for its information.

It is not, however, the intent of this provision that any such reduction will be recommended by the National Board to be put into effect if it appears probable that undue hardship might be occasioned thereby to either employers or employees.

3. The following classes of employees are exempt:

(a) Employees engaged in professional, executive, or supervisory work.

(b) Employees in establishments employing not more than two (2) persons in towns of less than 2,500 population, which towns are not part of a larger trade area.

(c) Employees engaged in emergency work, involving breakdowns or protection of life or property.

(d) Watchmen.

(e) Other employees who may be exempted in chapters of this Code specifically applicable only to the divisions or subdivisions of the industry therein defined.

4. Accounting, clerical or office employees may be permitted to work not in excess of forty (40) hours per week averaged over a period of four consecutive weeks.

C. No employer shall knowingly permit any employee to work for a total number of hours in excess of the hours herein prescribed, whether employed by one or more employers.

Sec. 3. Where provisions concerning hours of labor or rates of pay have been established for specific projects, by competent governmental authority or agencies (whether Federal, State, or political subdivisions thereof) acting in accordance with law, any employer required to comply and complying with the provisions so established shall be relieved of compliance with any conflicting provisions of this Article or of any actions taken in accordance therewith.

Any employer required to comply and complying with the provisions of a valid labor agreement in force on the effective date shall be relieved to the extent of his legal obligations thereunder of compliance during the period of such agreement, with any conflicting provisions of this Article, or of any actions taken in accordance therewith.

Sec. 4. Minimum age.—No employer shall employ any person under the age of sixteen (16) years, or under the age of eighteen (18) years in any occupation hazardous in nature or dangerous to health.

Sec. 5. Construction Planning and Adjustment Boards.—There shall be established within thirty (30) days from the effective date of this Code, a National Construction Planning and Adjustment Board, and said Board shall consist of twenty-one (21) persons, ten of whom shall be selected by the Industrial Advisory Board of the National Recovery Administration from nominations of the Construction Code Authority and ten shall be selected by the Labor Advisory Board of the National Recovery Administration from nominations of the construction employee organizations, the selection in each case to be subject to the approval of the Administrator, and one person to act as disinterested chairman to be selected by the President upon the recommendation of the Administrator.

The National Construction Planning and Adjustment Board shall have for its fundamental purpose the planning and the development of policies that embrace the broad spirit of cooperation and good will in the furtherance of all matters that relate to the promotion of better relations between employers and employees within the industry and the furtherance of other matters of their mutual interest. It shall have the authority upon its own motion to select technical advisers and seek the cooperation of all factors involved in the stabilization and promotion of the well-being of both employers and employees in the industry and shall have the authority to make such rules and regulations for its own conduct as it may deem necessary.

It shall, in its own discretion, following the submission by consent of all parties in interest of any difference within or between any divisions or subdivisions of the industry, give consideration and make determinations on all such differences as may arise relating to wages, hours of employment, and working conditions. The decisions of the National Construction Planning and Adjustment Board shall be final and binding on all parties in interest, except that in the event the representative of the Government, the disinterested chairman, shall dissent from the conclusion, the decision shall be held in abeyance until approval or disapproval has been given by the Administrator.

The National Construction Planning and Adjustment Board shall have the authority, and upon its own motion shall establish in properly defined areas, Regional Construction Planning and Adjustment Boards, and said Boards shall be composed of an equal number of members from employer groups and employee groups, and it is further provided that there shall be no disinterested or impartial chairmen of said Regional Boards, it being provided that such Boards shall select from their members a chairman and a secretary. The National Construction Planning and Adjustment Board shall upon its own motion submit to the Regional Boards such problems for study as may in the opinion of the National Board be necessary and such reports of the Regional Boards shall be submitted to the final examination of the National Board.

To these Regional Construction Planning and Adjustment Boards may be submitted matters from their respective areas in disputes having the same relationship as matters to be submitted to the National Board, and every effort on their part shall be made to reconcile such existing differences, with the requirement that their actions shall in all instances be submitted to the National Board for final action.

Nothing in this section shall be construed as preventing employers and employees in any division or subdivision of the industry, as defined in the chapter incorporated in this Code relating thereto, from submitting to the Boards provided for in Article III, Section 1, or other Boards similarly composed and selected for consideration and determination, differences that may arise relating to wages, hours of employment, and working conditions, subject to the approval of the Administrator. The findings of fact and determination of such Boards shall be submitted to the National Board for its information.

The cost of conducting the National and Regional Boards herein provided for, shall be borne by the Construction Code Authority, subject to a budget submitted to and approved by it, provided, however, that the cost of the services and the expenses of the members of said Boards, shall not be paid by such Authority.

ARTICLE V—APPEALS

Sec. 5. No decision, rule, regulation, order, or finding shall be made by any Code Authority or other administrative agency, excluding the Boards provided for in Article III hereof, provided for in or pursuant to this Code, whether made pursuant to the foregoing sections of this Article V or otherwise, of or in any dispute between employers and employees, or between groups of employees, including, in such last-named classes of disputes, any case or controversy whose determination would directly involve or affect any dispute between groups of employees as to the right to perform specific types of work or operations, including cases commonly known as trade jurisdictional disputes.

ARTICLE VIII—GENERAL

Section 1. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

Sec. 2. Employers shall not reclassify employees or duties of occupations performed by employees with the intent or for the purpose of defeating the purposes of the Act.

Sec. 3. No provisions of this Code shall supersede any State or Federal law imposing more stringent requirements on employers regulating the age of employees, wages, hours of work, or health, fire, or general working conditions than those contained in this Code.

CHAPTER XII—WOOD FLOOR CONTRACTING DIVISION

(NOTE: WHENEVER THE PROVISIONS OF CHAPTER I ARE IN CONFLICT WITH THOSE OF CHAPTER XII, THE PROVISIONS OF CHAPTER XII GOVERN)

ARTICLE II—DEFINITIONS

Section 1. The term "Wood Floor Contracting Division" or "this Division" is defined to mean the business of contracting for and laying wood floors ... [illegible]

ARTICLE III—HOURS, WAGES AND CONDITIONS OF EMPLOYMENT

[illegible]

Section 5. Members Performing Work.—Members of this Division who personally perform manual work or are engaged in mechanical operations shall not exceed the maxima as to hours and days prescribed herein for the work performed by them.

Section 6. Complaint.—No employee shall be dismissed for making a complaint ... [illegible]

[illegible]

The provisions of this Section regarding payment of wages at the end of each weekly period shall not apply to persons employed in executive, administrative and supervisory capacity who earn in excess of thirty-five dollars ($35.00) per week, nor to persons employed in clerical or office work. The wages for persons employed in clerical or office work shall be payable at least semi-monthly.

Section 10. Handicapped Persons.—A person whose earning capacity is limited because of age or physical or mental handicap or other infirmity may be employed on light work at a wage below the minimum established by this Code if the employer obtains from the State Authority designated by the United States Department of Labor a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Divisional Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for each employee.

ARTICLE IV—ADMINISTRATION AND ORGANIZATION OF THE DIVISIONAL CODE AUTHORITY

[illegible]

ARTICLE V—TRADE PRACTICE RULES

[illegible]

HANDICAPPED WORKERS

Executive Order No. 6606-F (February 17, 1934) provides in part that:

"* * * No provision of any Code of Fair Competition * * * shall be so construed or applied as to violate the following rules which are hereby promulgated and prescribed, to wit:

"1. A person whose earning capacity is limited because of age, physical or mental handicap or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the state authority designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee. * * *"

PROHIBITING DISMISSAL OF EMPLOYEES FOR REPORTING ALLEGED VIOLATIONS OF CODES

Executive Order of May 15, 1934, provides in part that:

"No employer subject to a Code of Fair Competition approved under said title shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition approved under said title.

"All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars ($500) or imprisonment not to exceed six (6) months, or both, for violation of any rule or regulation prescribed under the authority of such section 10(a)."

APPRENTICE TRAINING PROGRAMS

Executive Order No. 6750-C (June 27, 1934, effective July 15, 1934) provides in part that:

"* * * No provision of any Code of Fair Competition * * * shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to wit:

"(1) A person may be employed as an apprentice by any member of an industry subject to a Code of Fair Competition at a wage lower than the minimum wage ... [illegible]

"(2) The term "Apprentice" as used herein shall mean a person of at least 16 years of age who has entered into a written contract with an employer or an association of employers which provides for at least 2000 hours of reasonably continuous employment for such person and his participation in an approved program of training as hereinabove provided. * * *

"Provided, however, that nothing in this Order shall be construed as modifying any Code of Fair Competition except insofar as an employer subject thereto may elect to become subject to the provisions of this Order. * * *"

INQUIRIES OR COMPLAINTS MAY BE ADDRESSED TO YOUR EMPLOYER

OR TO YOUR

STATE NRA COMPLIANCE DIRECTOR WHOSE ADDRESS IS BELOW

ALABAMA, Birmingham, Liberty National Life Building
ARIZONA, Phoenix, 704 Heard Building
ARKANSAS, Little Rock, 430 Donaghey Building
CALIFORNIA, San Francisco, Humboldt Bank Bldg., 785 Market St.
Los Angeles, 151 South Figueroa Street, Room 530
COLORADO, Denver, 720 United States National Bank Building
CONNECTICUT, Hartford, 401 Federal Building
DELAWARE, Wilmington, Delaware Trust Building
FLORIDA, Jacksonville, United States Federal Building
GEORGIA, Atlanta, 625-637 Citizens & Southern Nat'l Bank Bldg.
IDAHO, Boise, Federal Building
ILLINOIS, Chicago, Wrigley Building, 400 North Michigan Ave.
INDIANA, Indianapolis, Meridian Life Bldg., 311 N. Penna. St.
IOWA, Des Moines, 618 Old Federal Building
KANSAS, Topeka, 212 Post Office Building
KENTUCKY, Louisville, 400 Federal Building
LOUISIANA, New Orleans, 214 Customhouse
MAINE, Augusta, 321 Water Street
MARYLAND, Baltimore, 130 Customhouse
MASSACHUSETTS, Boston, 80 Federal Street
MICHIGAN, Detroit, 615 Federal Building
MINNESOTA, Minneapolis, 900 Roanoke Building
MISSISSIPPI, Jackson, 813 Standard Life Building
MISSOURI, St. Louis, Suite 1218, 506 Olive Street
MONTANA, Helena, 604 Power Block Building
NEBRASKA, Omaha, 511 Federal Building
NEVADA, Reno, 616 Federal Post Office Building
NEW HAMPSHIRE, Concord, Phenix Hotel
NEW JERSEY, Newark, 434 Industrial Office Building
NEW MEXICO, Santa Fe, Post Office Building
NEW YORK, New York, 45 Broadway
Albany, 622 National Savings Bank Building
Buffalo, White Building, 300 Main Street
NORTH CAROLINA, Greensboro, U. S. Post Office Building
NORTH DAKOTA, Bismarck, 202½ Third Street
OHIO, Cleveland, 901 Bulkley Building
OKLAHOMA, Oklahoma City, 427 Commerce Exchange Building
OREGON, Portland, Park Building, Park and Alder Streets
PENNSYLVANIA, Philadelphia, 933 Commercial Trust Building
Pittsburgh, 401 Law and Finance Building
RHODE ISLAND, Providence, National Exchange Bank Building, 17 Exchange Street
SOUTH CAROLINA, Charleston, 704 Peoples Building
SOUTH DAKOTA, Sioux Falls, 1326 South Minnesota Avenue
TENNESSEE, Nashville, 418 Cotton States Building
TEXAS, Houston, Wilson Building
Dallas, 1212 Republic Bank Building
UTAH, Salt Lake City, 1103 Boston Building
VERMONT, Rutland, 400 Federal Building
VIRGINIA, Richmond, 936 Central National Bank Building
WASHINGTON, Seattle, 1730 Exchange Building
WEST VIRGINIA, Charleston, Kanawha Valley Bank Building
WISCONSIN, Milwaukee, 21st Floor, Barliner Tower Building
WYOMING, Casper, Post Office Building

There must be inserted here by the Code Authority reference to any applicable mutual or area agreement made under provisions of Section 1 of Article III of Chapter I quoted above. A copy of this agreement must be posted along with each copy of this labor poster.

Area Agreement No. ...

Date of NRA approval ...

1

(THE ABOVE SPACE IS FOR OFFICIAL COPIES OF AMENDMENTS AND ADDITIONS)

Copies of this official Labor Poster must be posted conspicuously in all offices, shops, and on all construction jobs coming under the jurisdiction of this Code

A copy of the complete Code may be obtained from your State NRA Compliance Director or the Superintendent of Documents at Washington, D. C. Price 5 cents

NRA U.S. CODE

OFFICIAL COPY
KEEP POSTED CONSPICUOUSLY
IN ACCORDANCE WITH LAW

NATIONAL RECOVERY ADMINISTRATION

Labor Provisions

FOR THE

Midwest Fish and Shellfish Preparing or Wholesaling Industry

(A DIVISION OF THE FISHERY INDUSTRY)

(APPROVED BY THE PRESIDENT FEBRUARY 20, 1935, AND EFFECTIVE MARCH 4, 1935)

APPROVED CODE No. 308—Supplement No. 9

ARTICLE II—DEFINITIONS

Section 1. Wherever a term is used in this divisional code which is defined in said national code, the definition thereof contained in said national code shall, except as herein provided in the case of wholesaling, apply to the Midwest fish and shellfish preparing or wholesaling division of the fishery industry. As used herein

(b) The term "Midwest fish and shellfish preparing or wholesaling industry" or "Midwest industry" means the preparing or wholesaling of fish and shellfish in the Midwest area, except insofar as the same are subject to any lobster (*Homarus americanus*) code in original or amended form. Said term includes also the combination of said functions. With respect to the distribution of canned fish and canned shellfish, said term shall include only the primary sale; with respect to the distribution of dried, salted and smoked fish, said term shall not include any sale effected by a person or enterprise whose principal line of business is that of a wholesale grocer.

(c) The term "Midwest area" means the States of Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Missouri, North Dakota, and South Dakota and the Great Lakes parts of New York and Pennsylvania.

(d) The term "preparing" means as follows (1) Packing in ice, filleting, cutting, freezing by other than public freezers, salting, smoking, drying, soaking, canning or otherwise manipulating (2) it does not include the manufacture of products obtained from shells, fish scales, sounds, skins, hides or bones (3) It does not include the packing in ice, filleting, cutting, freezing, salting, smoking, drying, canning or other manipulation of fish or shellfish performed by the catchers thereof or by catchers who purchase the same (in the round, eviscerated, decapitated, or iced state) at any sale between or among catchers.

(e) The terms "wholesale" and "wholesaling" mean the distribution of fish and shellfish to retail outlets (including any type of undertaking in which food is prepared and sold to the consumer) whether or not the retail outlets are owned or controlled by the person or enterprise effecting the distribution, hereinafter in this paragraph referred to as the distributor, and include sales of fish and shellfish between or among distributors. Said terms specifically include such functions as brokers, commission merchants and truckers perform in the distribution of fish and shellfish to the retail outlets aforesaid, to each other, or to any distributor aforesaid. Said terms do not include any primary sale of fish or shellfish (in the natural or any prepared state) by the catchers thereof unless made by a person or enterprise acting as the representative of the seller in the capacity of a commission merchant or broker, nor do they include any sale of fish (in the round, eviscerated, decapitated, or iced state) or shellfish (in the natural or iced state) between or among catchers. The term "prepared" as used in the sentence immediately preceding this means packing in ice, filleting, cutting, freezing, salting, smoking, drying, canning or otherwise manipulating, except that it specifically excludes the manufacture of products obtained from shells, fish scales, sounds, skins, hides or bones.

(g) The term "employee" means any individual engaged in the industry, however compensated, except a member of the industry.

(h) The term "employer" means any member of the industry by whom any employee is compensated or employed.

(i) The term "trucker" means anyone buying fish or shellfish from other wholesalers or from producers, and selling the same to wholesale or retail outlets, including hotels, restaurants, and other public eating places, when the sale or delivery of the product is from a truck as the usual place of business of the seller.

(m) The term "trade area" means metropolitan district as used by the U. S. Bureau of the Census.

(n) Population and trade area for the purposes of this divisional code shall be determined by reference to the latest Federal Census.

(o) The term "outside salesmen" means salesmen who perform primarily selling functions and who do not deliver.

(p) [n] The terms "watching crews" or "watchmen" means employees whose principal function is watching and guarding the property of a member of the industry.

(u) Pronouns of the masculine gender shall include the feminine also.

ARTICLE III—HOURS OF LABOR

Section 1.

(a) No clerical, accounting or other office employee shall be permitted to work in excess of forty (40) hours in any week or eight (8) hours in any day or six (6) days in any seven (7), except that overtime in excess of forty (40) hours in any week or eight (8) hours in any day is permitted if time and one-third the normal rate is paid therefor, but overtime in any week shall not exceed six (6) hours.

(b) No other employee shall be permitted to work in excess of ninety (90) hours in any two (2) consecutive weeks, nor shall such employee be permitted to work in excess of forty-eight (48) hours in any week or ten (10) hours in any day, or six (6) days in any seven (7), except that overtime not in excess of eight (8) hours in any week may be worked if time and one-third the normal rate is paid therefor. This provision shall be subject to the following exceptions:

(1) Executive, supervisory, technical, and administrative employees, provided they regularly receive $35.00 per week or more.

(2) Outside salesmen.

(3) Stationary engineers and firemen, chauffeurs, and deliverymen, provided they shall not be permitted to work in excess of forty-eight (48) hours in any week.

(4) Watchmen, provided they shall not be permitted to work in excess of thirteen (13) days in any fourteen (14), or fifty-six (56) hours in any week.

(5) Employees engaged in emergency maintenance and emergency repair work. Provided however, that they shall be paid at least time and one-third the normal rate for hours worked in excess of the maximum established herein for them respectively.

(6) Employees engaged in any emergency situation which may arise whereby the product of the employer may be spoiled or destroyed while in a perishable condition when additional workers of the necessary qualifications are not available to perform the operations required. In such cases, the employer shall be empowered to process such product into a non perishable condition. Employees engaged in this emergency work shall be paid at least time and one-third the normal rate for hours worked in excess of the maximum established herein for them respectively.

Section 2. Each employer shall make a monthly report to the Executive Committee, stating the number of hours worked at time and one-third rates under the provisions of Section 1 paragraphs (a) and (b) of this Article.

Section 4. No employer in the industry shall knowingly permit any employee to work for a total number of hours in excess of the number of hours above prescribed for him, whether employed by one or more employers.

ARTICLE IV—WAGES

Section 1.

(a) No clerical, accounting or other office employee shall be paid less than the following rates of wages: (1) eighteen dollars per week in cities of 1,000,000 or more population, or in the trade area thereof, except that file clerks or office boys may be employed at the rate of not less than fifteen dollars per week (2) sixteen dollars per week in other places, except that file clerks or office boys may be employed at the rate of not less than fourteen dollars per week. Provided however, that only one file clerk or office boy may be employed in each establishment.

(b) No other employee shall be paid less than the following rates of wages (1) twenty dollars per week in cities of 1,000,000 or more population, or in the trade area thereof (2) seventeen dollars per week in other places; except that learners shall be paid not less than at the rate of eighteen dollars per week in cities of 1,000,000 or more population, or in the trade area thereof, and not less than at the rate of fifteen dollars per week in other places, but persons having more than six (6) months' experience in the Midwest industry shall not be regarded as learners, nor shall the total number of learners employed in any establishment exceed five percent (5%) of all of the non-office employees in said establishment, but at least one learner may be employed in each establishment.

(c) In order to maintain fair differentials between employees, an equitable readjustment in rates of pay shall be made in cases of employees who on June 15, 1934, received in excess of the minimum rates of pay then prevailing; but in no case as a part of such readjustment shall weekly wages be reduced. The Executive Committee, within sixty (60) days after the effective date of this divisional code shall report to the National Industrial Recovery Board the readjustments made pursuant to this provision.

(d) A person whose earning capacity is limited because of age or physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by this divisional code, if the employer obtains from the authority designated by the United States Department of Labor a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file with the Executive Committee a list of all such persons employed by him showing the wages paid to, and the maximum hours of work for, each such employee.

Section 4. This code guarantees a minimum rate of pay, regardless of whether the employee is compensated on the basis of time rate or piece work performance. This section shall not apply to individuals working on a "lay" or other profit sharing basis.

ARTICLE V—GENERAL LABOR PROVISIONS

Section 1. No individual under sixteen years of age shall be employed in the industry.

Section 2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Section 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

Section 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

Section 5. The provisions of this code shall not supersede any law or ordinance which imposes on employers more stringent requirements as to age of employees, wages, hours of work, health, fire or other working conditions, than are imposed by the terms of this code.

Section 6. Employers shall not reclassify employees or duties of occupations performed by employees so as to defeat the purposes of this code.

Section 7. Every employer in the industry shall cause the provisions of this code and/or of the divisional code governing his division of the industry, having to do with hours of labor, rates of pay, and other conditions of employment, to be posted in a prominent place upon his business premises in such a manner that said provisions may be readily seen and read by all employees.

Section 8. Each employer shall make a monthly report to the Executive Committee governing the division of the industry in which he is engaged, stating the number of hours worked in excess of the maximum under the provisions of Article III, Section 1, paragraphs (5) and (6), hereof.

Section 9. Each Executive Committee shall on or before June 1, 1934, prepare and file with the Administrator a schedule of the hours of labor, rates of pay, and other conditions of employment applicable to its particular division of the industry and upon approval by the President said provisions shall thereafter govern that particular division of the industry anything to the contrary in this code notwithstanding.

Section 10. The terms of each "lay" or other profit-sharing agreement shall be reduced to writing and subscribed by all parties to said agreement, and shall be posted in a prominent place accessible to the parties thereto. All records of the primary payment for the catch and of expenses shared jointly under any such agreement, including deductions from the total value of the catch or gross stock, shall be kept available and in the hands of some party to said agreement, who shall be mutually agreed upon and such records shall be exhibited by said party upon request, to any other party to said agreement.

Section 11. Every employer governed by this code shall, in the conduct of his operations, lend his cooperation and support to the program of his division for the reduction of accidents; and cases of willful disregard of the life and health of employees shall constitute a violation of this code.

Section 12. [Section 1.]

(a) No individual under eighteen (18) years of age shall be permitted to work at operations or occupations which are hazardous in nature or dangerous to health. The Executive Committee shall submit to the National Industrial Recovery Board within thirty (30) days after the effective date of this divisional code a list of such operations or occupations.

(b) Every employer shall provide for the safety and health of employees during the hours and at the places of their employment and the Executive Committee shall submit to the National Industrial Recovery Board standards for safety and health within six (6) months after the effective date of this divisional code.

(c) Wages shall be exempt from fines and from charges and deductions, except charges and deductions for employees' voluntary contributions to insurance, pension or benefit funds, and except charges and deductions required by State legislation enacted for the benefit of employees. Deductions for other purposes may be made only when an agreement covering the same is reduced to writing and kept on file by the employer for a period of six (6) months open to the inspection of the National Industrial Recovery Board. Wages shall be paid at least twice a month, in cash or by negotiable check payable on demand.

ARTICLE VI—UNFAIR METHODS OF COMPETITION

Section 1. The following practices constitute unfair methods of competition and it shall be a violation of this code for any member of the industry

(f) Purchases from Fishermen.—To make purchases of fish or shellfish from a fisherman without paying for same on receipt of the product by the buyer, or without delivery (or placing in the channels of delivery) to the seller at the time of such receipt of a written acknowledgment of purchase (a) containing all information necessary to a complete understanding of the transaction (including price, quantity, and terms of payment) and (b) providing specifically for payment (in cash, or by negotiable check payable on demand) within seven (7) days after receipt of the product by the buyer.

(i) False Measures.—To use slack weights or slack measures, or overweights or overmeasures, or to fail to observe any standard of measure or of weight imposed by his divisional code.

(n) Purchases.—To refuse without lawful reason to accept and pay for at the price agreed upon fresh fish and/or fresh shellfish purchased from fishing vessels, officers of fishing vessels, crews of fishing vessels, or owners and/or operators of fishing equipment.

*Note.—The sections noted with an asterisk (*) are provisions from the National Fishery Code which apply to the Supplementary Code for the Midwest Fish and Shellfish Preparing or Wholesaling Industry.

**Note.—In order to avoid confusion it has been found necessary in some cases to renumber the provisions from both codes. For purposes of reference the original numbers have been preserved in brackets immediately following the new number of the section. Any complaint of an alleged violation of any renumbered section should refer to the original number.

APPRENTICE TRAINING PROGRAMS

Executive Order No. 6750-C (June 27, 1934 effective July 1, 1934) provides in part that

"... No provision of any Code of Fair Competition shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to wit

(1) A person may be employed as an apprentice by any member of an industry subject to a Code of Fair Competition at a wage lower than the minimum wage or for any time in excess of the maximum hours of labor established in such Code, if such member shall have first obtained from an Agency to be designated or established by the Secretary of Labor a certificate permitting such person to be employed in conformity with a training program approved by such Agency, until and unless such certificate is revoked.

(2) The term "Apprentice", as used herein shall mean a person of at least 16 years of age who has entered into a written contract with an employer or an association of employers which provides for at least 2000 hours of reasonably continuous employment for such person and his participation in an approved program of training as hereinabove provided.

Provided, however, that nothing in this Order shall be construed as modifying any Code of Fair Competition except insofar as an employer subject thereto may elect to become subject to the provisions of this Order.

PROHIBITING DISMISSAL OF EMPLOYEES FOR REPORTING ALLEGED VIOLATIONS OF CODES

Executive Order of May 15, 1934, provides in part that

"No employer subject to a Code of Fair Competition approved under said title shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition approved under said title.

"All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars ($500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of said section 10(a)."

HOW TO FILE A COMPLAINT

DON'T act hastily. Make sure you are right. An unjust complaint is unfair to your employer and does you no good.

REMEMBER that many grievances can be best settled by going direct to your employer.

BUT you may instead send all the facts to one of the following:

1. **To the proper Industrial Relations Board, if any. (See addresses on this poster or ask the State NRA Compliance Director for the proper address.)**
2. **To your State NRA Compliance Director. (See addresses on this poster.)**
3. **OR (if not satisfied) to the Compliance Division of the NRA, Washington, D.C.**

NO ONE HAS THE RIGHT TO REVEAL YOUR NAME WITHOUT YOUR CONSENT NOR TO DISCHARGE YOU FOR MAKING A COMPLAINT

ALABAMA, Birmingham, Liberty National Life Building
ARIZONA, Phoenix, 704 Heard Building
ARKANSAS, Little Rock, 438 Donaghey Building
CALIFORNIA, San Francisco, Humboldt Bank Bldg., 785 Market St; Los Angeles, 751 South Figueroa Street, Room 536
COLORADO, Denver, 720 United States National Bank Building
CONNECTICUT, Hartford, 401 Federal Building
DELAWARE, Wilmington, Delaware Trust Building
DISTRICT OF COLUMBIA, Washington, 1523 L St. NW
FLORIDA, Jacksonville, United States Federal Building
GEORGIA, Atlanta, 615-617 Citizens & Southern Nat'l Bank Bldg
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KENTUCKY, Louisville, 406 Federal Building
LOUISIANA, New Orleans, 726 Hibernia Bank Building
MAINE, Augusta, 327 Water Street
MARYLAND, Baltimore, 130 Customhouse
MASSACHUSETTS, Boston, 80 Federal Street
MICHIGAN, Detroit, 415 Federal Building
MINNESOTA, Minneapolis, 900 Roanoke Building
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MISSOURI, St. Louis, Suite 1216, 506 Olive Street
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NORTH DAKOTA, Bismarck, 202½ Third Street
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TEXAS, Houston, Bryan Building; Dallas, Dallas Athletic Club Building
UTAH, Salt Lake City, 1103 Boston Building
VERMONT, Rutland, 406 Federal Building
VIRGINIA, Richmond, 936 Central National Bank Building
WASHINGTON, Seattle, 1730 Exchange Building
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WISCONSIN, Milwaukee, 21st Floor, Mariner Tower Building
WYOMING, Casper, Post Office Building

9342

(THE ABOVE SPACE IS FOR OFFICIAL COPIES OF AMENDMENTS AND ADDITIONS)

A copy of the complete Code may be obtained from your State NRA Compliance Director or the Superintendent of Documents at Washington, D. C. Price 5 cents

OFFICIAL COPY
KEEP POSTED CONSPICUOUSLY
IN ACCORDANCE WITH LAW

NRA U.S. CODE

NATIONAL RECOVERY ADMINISTRATION

Labor Provisions

FOR THE

Used Textile Bag Industry

(APPROVED BY THE PRESIDENT FEBRUARY 8, 1934, AND EFFECTIVE FEBRUARY 18, 1934)

REVISED POSTER
MARCH 15, 1935
This poster supersedes and is to be posted in place of all NRA Labor Posters for this Industry previously issued

APPROVED CODE No. 267

ORDER

Approving Code of Fair Competition for the Used Textile Bag Industry

* * * NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, * * * do hereby order that said Code of Fair Competition be and it is hereby approved, provided that the Code Authority shall appoint a committee which shall make a study of minimum wages in the Industry looking toward measures which will enable an increase in such minima, and shall report such study, with recommendations, to the Administrator prior to December 31, 1934.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

ARTICLE II—DEFINITIONS

1. The term "Used Textile Bag Industry" as used herein, is defined to include the buying, handling, grading, processing, for resale purposes, and/or selling of used burlap and cotton bags. Dealers handling used burlap and cotton bags along with other commodities and operating under the code for the "Scrap Iron, Non-Ferrous Scrap Metals and Waste Materials Trade", are not included within the above definition of the Industry as far as the collection and grading of used textile bags are concerned.

2. The term "employee" as used herein includes, but without limitation, anyone engaged in the Industry in any capacity receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

3. The term "employer" as used herein includes anyone by whom any such employee is compensated or employed.

4. The term "South" as used herein includes the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Maryland, Tennessee, and Kentucky.

5. The term "North" as used herein includes all of the territory of the United States except that portion included under the term "South."

ARTICLE III—HOURS

1. No employee, except as hereinafter provided, shall be permitted to work in excess of forty (40) hours in any one week, or eight (8) hours in any twenty-four (24) hour period; provided that during peak seasons not to exceed eight (8) consecutive weeks in any one year employees may work not more than forty-eight (48) hours per week and provided further that all hours in excess of the maximum hours provided herein for the various classes of employees shall be compensated at not less than time and one-third the normal rate of pay. (As amended August 29, 1934, effective September 8, 1934.)

2. The maximum hours fixed in the foregoing section shall not apply to—

(a) Office employees, who shall be permitted to work forty-eight (48) hours in any one week, provided, however, that the number of hours worked per week over a period of two (2) months shall average not more than forty (40) hours per week.

(b) Truck drivers and shipping crews, who shall be permitted to work not in excess of forty-eight (48) hours in any one week.

(c) Employees exclusively engaged as engineers, electricians, firemen, or machinery repairmen, who shall be permitted to work not in excess of forty four (44) hours in any one week.

(d) Employees in an executive or managerial capacity, regularly receiving not less than thirty-five dollars ($35.00) per week, watchmen and outside salesmen.

(e) Employees on emergency maintenance or emergency repair work, involving breakdown, or protection of life and property, but in any such special case at least one and one third times his normal rate shall be paid for hours worked in excess of the maximum hours herein provided.

3. No employee shall work or be permitted to work for a total number of hours in excess of the number of hours prescribed for each week and day, whether employed by one or more employers.

4. Whenever any member of the Industry employs the services of members of his family, all such persons must be regarded as employees, and shall be subject to all provisions contained in this Code affecting employees of members of the Trade.

5. Where a member of this Industry is a partnership, not more than one individual of such partnership shall work on any of the operations of the Industry, except office functions, in excess of the maximum hours provided herein. (Added by amendment approved August 29, 1934, effective September 8, 1934.)

ARTICLE IV—WAGES

1. The following minimum wage rates are established for employees:

	North	South
Males, per hour . . .	32½ cents.	27½ cents.
Females, per hour	27½ cents.	22½ cents.

(a) These differentials shall be based on substantially differ ent employment, and

(b) Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

2. This Article establishes a minimum rate of pay, regardless of whether an employee is compensated on a time rate, piece work, or other basis.

3. Differentials existing on July 15, 1933, between wage rates paid various classes of employees receiving more than the minimum wage specified above shall be maintained; wages of employees receiving more than the minimum wages specified above shall not be reduced below the rates existing on July 15, 1933, notwithstanding any reduction in the number of working hours of such employees.

ARTICLE V—GENERAL LABOR PROVISIONS

1. No person under sixteen (16) years of age shall be employed in the Industry), nor anyone under eighteen (18) years of age at operations or occupations hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator before May 1st, 1934, a list of such occupations. In any State an employer shall be deemed to have complied with this provision, if he shall have on file a certificate or permit duly issued by the authority in such State, empowered to issue employment or age certificates or permits showing that the employee is of the required age.

In accordance with this section, Administrative Order 267-1, September 5, 1934, approved the following list of occupations as being hazardous in nature and/or detrimental to health, and from which minors under eighteen (18) years of age shall be excluded.

1. Operating vacuum cleaning machines.
2. Operating printing presses.
3. Operating electric or hand baling presses.
4. Operating mechanical cutting knives.
5. Operating of bag tumblers.
6. Operations involving excessive exposure to dust. (Work on the above specified machines may not include all the occupations which should be prohibited because of the excessive exposure to dust.)
7. In oiling, cleaning or wiping machinery or shafting in motion.
8. In applying belts to pulleys in motion or assisting therein.
9. As drivers or assistants to drivers of motor vehicles or as helpers or delivery boys on motor vehicles.
10. In or assisting in the operation of gas, oil or steam engines or other prime movers.
11. In the care, custody, operation or repair of elevators, cranes, derricks, or other hoisting apparatus, except in the operation (1) of dumbwaiters as defined by the American Standards Association, or (2) of elevators equipped only for automatic operation.
12. Firing of steam or water boilers (except boilers of not more than 15 lbs. pressure used solely for heating purposes.

2. Employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing.

4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

5. Within each State members of the Industry shall comply with any laws of such State imposing more stringent requirements on employers, regulating the age of employees, wages, hours of work, or health, fire protection, or general working conditions than under this Code.

6. Employers shall not reclassify employees or duties of occupations performed by employees or use any other subterfuge so as to defeat the purposes of the Act.

7. Each employer shall post in a conspicuous place of easy and continuous access to employees, the Articles dealing with hours, wages, and general labor provisions of this Code.

8. No homework shall be permitted in the Industry.

9. Every employer shall make reasonable provisions for the safety and health of his employees at the place and during the hours of their employment, furnishing a safe, sanitary, heated, and properly ventilated work place. Six months after the effective date of this Code, the Code Authority shall submit recommendations for setting up standards of health and safety for employees in this Industry.

HANDICAPPED WORKERS

Executive Order No. 6606-F (February 17, 1934) provides in part that

"* * * No provision of any Code of Fair Competition * * * shall be so construed or applied as to violate the following rules which are hereby promulgated and prescribed, to wit:

"1. A person whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the minimum established by a Code, if the employer obtains from the State authority, designated by the United States Department of Labor, a certificate authorizing such person's employment at such wages and for such hours as shall be stated in the certificate. Such authority shall be guided by the instructions of the United States Department of Labor in issuing certificates to such persons. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee * * *"

HOMEWORK

Executive Order of May 15, 1934, provides in part that:

No provision of any Code of Fair Competition shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to wit:

1. A person may be permitted to engage in homework at the same rate of wages as is paid for the same type of work performed in the factory or other regular place of business if a certificate is obtained from the State authority or other officer designated by the United States Department of Labor, such certificate to be granted in accordance with instructions issued by the United States Department of Labor, provided

(a) Such person is physically incapacitated for work in a factory or other regular place of business and is free from any contagious disease; or

(b) Such person is unable to leave home because his or her services are absolutely essential for attendance on a person who is bedridden or an invalid and both such persons are free from any contagious disease.

2. Any employer engaging such a person shall keep such certificate on file and shall file with the Code Authority for the trade or industry or subdivision thereof concerned the name and address of each worker so certificated.

APPRENTICE TRAINING PROGRAMS

Executive Order No. 6750-C (June 27, 1934, effective July 15, 1934) provides in part that:

"* * * No provision of any Code of Fair Competition * * * shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to wit

(1) A person may be employed as an apprentice by any member of an industry subject to a Code of Fair Competition at a wage lower than the minimum wage, or for any time in excess of the maximum hours of labor, established in such Code, if such member shall have first obtained from an Agency to be designated or established by the Secretary of Labor, a certificate permitting such person to be employed in conformity with a training program approved by such Agency, until and unless such certificate is revoked.

(2) The term "Apprentice", as used herein shall mean a person of at least 16 years of age who has entered into a written contract with an employer or an association of employers which provides for at least 2000 hours of reasonably continuous employment for such person and his participation in an approved program of training as hereinabove provided. *

Provided, however, that nothing in this Order shall be construed as modifying any Code of Fair Competition except insofar as an employer subject thereto may elect to become subject to the provisions of this Order. "

PROHIBITING DISMISSAL OF EMPLOYEES FOR REPORTING ALLEGED VIOLATIONS OF CODES

Executive Order of May 15, 1934, provides in part that:

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"All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars ($500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of said section 10(a)."

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CALIFORNIA, San Francisco, Humboldt Bank Bldg., 785 Market St
Los Angeles, 751 South Figueroa Street, Room 558
COLORADO, Denver, 720 United States National Bank Building
CONNECTICUT, Hartford, 303 Federal Building
DELAWARE, Wilmington, Delaware Trust Building
DISTRICT OF COLUMBIA, Washington, 1529 I St. NW.
FLORIDA, Jacksonville, United States Federal Building
GEORGIA, Atlanta, 825-831 Citizens & Southern Nat'l Bank Bldg
IDAHO, Boise, Federal Building
ILLINOIS, Chicago, Wrigley Building, 400 North Michigan Ave
INDIANA, Indianapolis, Meridian Life Bldg., 311 N. Penna. St
IOWA, Des Moines, 418 Old Federal Building
KANSAS, Topeka, 212 Post Office Building
KENTUCKY, Louisville, 600 Federal Building
LOUISIANA, New Orleans, 720 Hibernia Bank Building
MAINE, Augusta, 237 Water Street,
MARYLAND, Baltimore, 150 Customhouse
MASSACHUSETTS, Boston, 80 Federal Street
MICHIGAN, Detroit, 415 Federal Building
MINNESOTA, Minneapolis, 900 Rand Building
MISSISSIPPI, Jackson, 819 Standard Life Building
MISSOURI, St. Louis, Suite 1216, 506 Olive Street
MONTANA, Helena, 804 Power Block Building
NEBRASKA, Omaha, 511 Federal Building
NEVADA, Reno, Old Federal Post Office Building
NEW HAMPSHIRE, Concord, Phenix Hotel
NEW JERSEY, Newark, 424 Industrial Office Building
NEW MEXICO, Santa Fe, Post Office Building
NEW YORK, New York, 45 Broadway
Albany, 622 National Savings Bank Building
Buffalo, White Building, 256 Main Street.
NORTH CAROLINA, Greensboro, U.S. Post Office Building
NORTH DAKOTA, Bismarck, 202½ Third Street
OHIO Cleveland, 501 Bulkley Building
OKLAHOMA, Oklahoma City, 421 Commerce Exchange Building
OREGON, Portland, Park Building, Park and Alder Streets
PENNSYLVANIA, Philadelphia 833 Commercial Trust Building
Pittsburgh, 401 Law and Finance Building
RHODE ISLAND, Providence, National Exchange Bank Building
33 Exchange Street.
SOUTH CAROLINA, Charleston, 284 Peoples Building
SOUTH DAKOTA, Sioux Falls, 1324 South Minnesota Avenue
TENNESSEE, Nashville 418 Cotton States Building
TEXAS, Houston, Milam Building
Dallas, Dallas Athletic Club Building
UTAH Salt Lake City, 310½ Boston Building
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VIRGINIA, Richmond, 930 Central National Bank Building
WASHINGTON, Seattle, 1730 Exchange Building
WEST VIRGINIA, Charleston, Kanawha Valley Bank Building
WISCONSIN, Milwaukee, 21st Floor, Harbour Tower Building
WYOMING, Casper, Post Office Building

9342

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NRA U.S. CODE

נעשאנעל ריקאווערי אדמיניסטריישאן

ארבעטס פראוויזשאנס

פאר דעם

ריטייל כשר פליש טרייד

(און אפטיילונג פון דעם ריטייל פלייש טרייד)

(באשטעטיגט נעמיענדיג פון עיקריטקס דעם 21סטן דעצעמבער 1934, און אריין אין קראפט דעם 1סטן יאנואר, 1935)

באשטעטיקטער קאוד נומער 540

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ALABAMA, Birmingham, Liberty National Life Building.
ARIZONA, Phoenix, 301 Heard Building
ARKANSAS, Little Rock, 110 Donaghey Bldg.
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WYOMING, Casper, Post Office Building

This supplementary Poster must be posted adjacent to the official Labor Poster for the Electrical Contracting Division of the Construction Industry

NATIONAL RECOVERY ADMINISTRATION

OFFICIAL COPY

KEEP POSTED CONSPICUOUSLY IN ACCORDANCE WITH LAW

Regional Collective Bargaining Agreement

(EFFECTUATED UNDER THE PROVISIONS FOR MUTUAL AGREEMENTS OF ARTICLE III, SECTION 1 OF CHAPTER I OF THE CONSTRUCTION INDUSTRY CODE NO. 244)

Electrical Contracting Division of the Construction Industry

FOR

Cook County, Illinois

AGREEMENT No. 1—APPROVED CODE No. 244-F. (Supplement No. 6)

APPROVED BY THE PRESIDENT OCTOBER 22, 1934—EFFECTIVE FROM NOVEMBER 5, 1934, TO AND INCLUDING MAY 31, 1937

WHEREAS Title I, Section 7(b) of the National Industrial Recovery Act and the Code of Fair Competition for the Construction Industry provide for agreements to be approved by the President, providing for standards of hours, wages, and other conditions of employment, such agreements to be made by truly representative groups of employers and employees; and

WHEREAS the Electrical Contractors' Association of the City of Chicago is a truly representative association of employers of electricians in the Area hereinafter defined; and

WHEREAS Local 134, International Brotherhood of Electrical Workers, is a truly representative association of electrician employees in the Area hereinafter defined; and

WHEREAS such truly representative groups of employers and employees in the Area below defined, having complied with all the necessary provisions relating to such agreements provided in such Act and Code, now desire to enter into such an Agreement and to obtain the approval of the President thereto in order that the standards of hours, wages, and other conditions of employment shall bind all employers who are members of the Division as hereinafter defined and their electrician employees and no others in the Area hereinafter defined; and

WHEREAS such standards provided in such Agreement are necessary to effectuate the policy of Title I of the National Industrial Recovery Act in said Area;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

That in consideration of the premises, and of the mutual agreements herein contained, and in order to accomplish the objects and purposes hereinabove set forth, the parties hereto agree each with each other and with all the others as follows:

ARTICLE I—DEFINITIONS

Section 1. *Member in the Area.*—The term "member in the Area" as used herein means any member of the Division as hereinafter defined who is an employer engaged in any phase of undertaking to perform any function of a member of the Division in the Area hereinafter defined.

Section 2. *Member of the Division.*—The term "member of the Division" includes any individual or form of organization or enterprise engaged in any phase or undertaking to perform any functions of the Electrical Contracting Division.

Section 3. *Electrical Contracting Division.*—The term "Electrical Contracting Division" or "this Division" as used herein means the erecting, installing, altering, repairing, servicing, or maintaining electric wiring, devices, appliances, or equipment, including the purchasing from suppliers and the selling of manufactured parts and products incorporated in such installation, provided that:

(a) The provisions of this Agreement shall not apply to work for telephone or telegraph service where such work is an integral part of the communication system owned and operated by a telephone or telegraph company in rendering its duly authorized service as a telephone and telegraph company.

The provisions of this Agreement shall apply to the installing of telephone and telegraph cables and wires in raceways or conduits in buildings in the process of construction where, pursuant to existing or future agreements or understandings, such work is performed by others than telephone or telegraph operating companies.

Should controversies arise as to whether or not such agreements or understandings exist, such controversies shall be referred for decision to such Board in the National Recovery Administration as may have been, or may be, designated by the National Industrial Recovery Board.

(b) The provisions of this Agreement shall not apply to electrical work for the generation and primary distribution of electric current, or the secondary distribution system ahead of the meter, where such work is an integral part of the system owned and operated by an electric light and power company in rendering its duly authorized service, is done by such a company's own employees, and/or is work on customer's premises necessary for the rendering of safe and continuous service, but the provisions of this Agreement shall apply to the installation, permanent alteration or repair, or maintenance of electric wiring, devices, appliances or equipment of private owners other than an electric light and power company not elsewhere excluded in this definition.

(c) The provisions of this Agreement shall not apply to the sale or rental of electrical signalling apparatus or systems for protection against fire, burglary or robbery, or to the servicing of such signalling apparatus or systems, where such work is an integral part of such a system owned and serviced or maintained by an individual, firm, corporation, or other form of enterprise engaged in such business.

(d) The provisions of this Agreement shall not apply to manufacturing or assembling in the manufacturer's plant, nor to servicing or repairing of electrical apparatus, appliances or equipment by a manufacturer or by an electric repair shop, but the provisions of this Agreement shall apply to the installation of all new electrical work on the customer's premises not elsewhere excluded in this definition.

An electric repair shop, for the purposes of this paragraph, shall mean an establishment engaged in the repairing, rewinding and reconditioning of motors, generators, transformers and other electrical apparatus.

(e) The provisions of this Agreement shall not apply to the maintaining, servicing or repairing of existing installations of electric wiring, devices or equipment, or the moving and relocating of equipment within a plant or property, performed by an owner or tenant (not for hire), individually or with his permanent employee or employees for electrical maintenance work within his own property, but the provisions of this Agreement shall apply to the installation of all new electrical work not elsewhere excluded in this definition. The term "permanent employee," as used in this paragraph, is confined to any employee who is regularly and continuously employed or who has been so employed by any such owner or tenant within such owner's or tenant's own plant or property for a period of not less than six (6) months.

Section 4. *Journeyman.*—The term "journeyman" means any employee working as a skilled electrical worker (1) who has served at least four (4) years as an apprentice on work as covered by the definition of the Electrical Contracting Division, or (2) who is qualified by an examination to do said work, or (3) who is engaged in said work. Journeymen shall be divided into two classes, as follows:

(a) "Class A Journeyman" is defined as a journeyman engaged in electrical construction or installation or who may be engaged in operating, maintenance, and repair of such work.

(b) "Class B Journeyman" is defined as a journeyman engaged only in operating, maintenance, and repair of existing installations and who, when no Class A Journeymen are employed on the premises, may make alterations and additions to existing installations where such alterations and additions do not exceed a total of four hours' labor. No other alterations or additional work shall be done by journeymen of this classification.

Section 5. *Apprentice.*—An "Apprentice" is defined as a person at least eighteen (18) years old who has at least the equivalent of a grade school education, working under a journeyman and learning the journeyman's trade. Apprentices shall be divided into two classes, as follows:

(a) *Class A Apprentice.*—"Class A Apprentice" is one working under and with Class A Journeymen.

(b) *Class B Apprentice.*—"Class B Apprentice" is one working under and with Class B Journeymen.

Section 6. *Foreman.*—A "Foreman" is defined to mean a journeyman appointed by a member in the Area to supervise his other electrician employees. Foremen shall be divided into two classes, as follows:

(a) *Class A Foreman.*—"Class A Foreman" is one who supervises the work of Class A Journeymen and Apprentices.

(b) *Class B Foreman.*—"Class B Foreman" is one who supervises the work of Class B Journeymen and Apprentices.

Section 7. *Electrician.*—An "Electrician" is defined to mean and include Class A Foremen, Class B Foremen, Class A Journeymen, Class B Journeymen, Class A Apprentices and Class B Apprentices.

Section 8. *Area.*—The Area in which this Agreement is effective is Cook County, Illinois.

ARTICLE II—HOURS

Section 1. *Hours.*—No electrician shall work or be permitted to work in excess of forty (40) hours in any one (1) week, eight (8) hours in any twenty-four (24) hour period, or five (5) days in any seven (7) day period, except as provided herein. Regular hours of work shall be eight (8) hours worked between 8:00 a. m. and 5:00 p. m., Monday to Friday both inclusive.

Section 2. *Holidays.*—No electrician shall work or be permitted to work on Saturdays, Sundays, or the following holidays: New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, or on days celebrated for the foregoing, except as provided in Sections 3 and 5.

Section 3. *Exceptions.*

(a) *Emergencies Other Than Danger to Life and Property.*—Electricians may work and may be permitted to work on holidays or outside regular hours on emergency work that cannot be done during regular hours with safety or without serious inconvenience to others. Members in the Area and electricians must obtain written permission for each such instance from a local agency approved by the Construction Planning and Adjustment Board provided for in Section 5 of Article III of the Code of Fair Competition for the Construction Industry, or any agency of that Board having jurisdiction in the Area. No such permission shall be valid for more than seven (7) days.

(b) *Construction Maintenance.*—Electricians may work and may be permitted to work at any time on construction maintenance work. Where a job is being maintained for twenty-four (24) hours continuously on a shift basis, shifts shall be from 8:00 a. m. to 4:00 p. m., from 4:00 p. m. to 12:00 midnight, and from 12:00 midnight to 8:00 a. m. Such shift hours are regular hours except from 4:00 p. m. Saturday to midnight Sunday-Monday, and hours on holidays.

(c) *Operating Maintenance and Repair.*—Electricians may work and may be permitted to work at any time on operating maintenance and repair work. When electricians are regularly employed on this work on a shift basis, such hours are regular hours.

(d) *Shut-down.*—Electricians may work and may be permitted to work on revisions and rehabilitation of factory and commercial installations, where it would be necessary to stop production or operating machinery during regular hours, outside regular hours, and on holidays. Members in the Area and electricians must obtain written permission for each such instance from a local agency approved by the Construction Planning and Adjustment Board provided for in Section 5 of Article III of the Code of Fair Competition for the Construction Industry, or any agency of that Board having jurisdiction in the Area. No such permission shall be valid for more than seven (7) days.

(e) Nothing in this Section shall permit any electrician working or being permitted to work in excess of eighty (80) hours in any fourteen (14) day period except on operating maintenance and repair work.

Section 4. *Employment by Others.*—No member in the Area shall knowingly permit any electrician to work and no electrician shall work for any time which, when added to the time spent at work for another member of the Division or members of the Division, or otherwise, exceeds the hourly, daily or weekly maxima permitted herein.

Section 5. *Emergencies.*—The provisions of the preceding sections of this Article are not applicable to emergency work involving protection of life or property.

ARTICLE III—WAGES

Section 1. *Wages.*—Rates of wages for employment during regular hours shall be as follows:

(1) Foremen: Not less than 6¼ cents per hour more than the rate of wages of the class of journeymen they are supervising.

(2) Class A Journeyman: $1.50 per hour.

(3) Class B Journeyman: $1.00 per hour.

(4) Apprentices: First year by contract; second year, one-third the rate of wages of their class of journeymen; third year, one-half the rate of wages of their class of journeymen; fourth year, two-thirds the rate of wages of their class of journeymen.

Section 2. *Overtime.*

(a) Except as provided in this Section, any time spent working over eight (8) hours in any twenty-four (24) hours, outside regular hours, or on days excepted in Section 2 of Article II hereof, shall be at two (2) times the rate of wages for regular hours.

(b) On shut-down work done outside regular hours but on days other than New Year's Day, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or days celebrated for the foregoing, the rate of wages shall be at one and one-third (1⅓) times the rate for regular hours.

(c) Rate of wages for electricians regularly employed on operating maintenance and repair work shall be at one and one-half (1½) times the rate of wages for regular hours for the first three (3) hours over eight (8) hours, and two (2) times the rate of wages for regular hours thereafter.

Section 3. (a) *Payment.*—All wages due shall be payable in lawful currency or negotiable check payable on demand at par, inclosed in envelopes showing name of the electrician, hours worked, rate of wages per hour, and amount due. Where payment is made by check, the member in the Area issuing such check shall provide reasonable facilities, including identification, for cashing such check at face value without charge or discount to the electrician.

(b) *Pay-Day.*—Wages shall be due and payable on Friday and not later than 4:30 p. m. for all work done up to 4:30 p. m. of the preceding Wednesday. Should Friday or Thursday be one of the days noted in Article II, Section 2 hereof, wages shall be due and payable on Thursday or Friday, respectively, as the case may be, but not later than 4:30 p. m. for work done up to 4:30 p. m. of the preceding Tuesday. Wages shall be payable on the job or at the office of the employing member in the Area, but electricians shall be allowed necessary time to reach the office of the employing member in the Area if payment is made at the office.

(c) *Lay-Off and Discharge.*—If electricians are indefinitely laid off or discharged, all accrued wages shall be due and payable immediately.

Section 4. *Change in Wage Scale.*—The wage scale effective on the date of the award of a contract shall prevail to the completion of the contract including unit prices or other agreements for extensions, revisions, or extra work included or considered with the award of said contract.

In order to obtain the benefits of this Section, members in the Area must file list of contracts awarded to them after the effective date of this Agreement with a local agency approved by the Construction Planning and Adjustment Board provided for in Section 5 of Article III of the Code of Fair Competition for the Construction Industry, or any agency of that Board having jurisdiction in the Area.

Section 5. *Minimum Pay.*—Wages for electricians shall accrue from time of reporting for work when ordered to so report. Not less than four (4) hours' wages for any one (1) day, or portion thereof, shall accrue to electricians when ordered to report for work except through some fault of their own or except should work be stopped by any cause beyond the control of the members in the Area or their electricians. Provisions of this Section do not apply to electricians when engaged on jobbing maintenance or repair work, on which work wages shall accrue only for time actually worked and time spent going to and from the job.

ARTICLE IV—CONDITIONS OF EMPLOYMENT

Section 1. *Safety.*—Two or more electricians must be employed on live wire work of 440 volts or more.

Section 2. *Apprentices.*—Electricians shall work with registered apprentices of their class. There shall not be more than one (1) apprentice on any job to each five (5) journeymen and not more than five (5) apprentices on any job, except on installations in existing residential occupancies the ratio of journeymen to apprentices (on the job) shall be as follows:

The first electrician shall be a journeyman, the second may be an apprentice, the third, fourth, and fifth shall be journeymen, and the sixth may be an apprentice.

The working card of an apprentice shall be plainly stamped with the year of his apprenticeship. All apprentices must attend school at least one (1) day each two (2) weeks during school term. The employing member in the Area shall reimburse said apprentice at the rate of not less than two dollars ($2.00) per day for each day's attendance at school, provided the apprentice furnishes satisfactory evidence of such attendance to the employing member in the area.

Section 3. *Transportation.*—All car fare within the Area for all electricians in excess of that necessary to reach the shop or office and return therefrom must be paid by the employing member in the Area.

Section 4. *Reporting for Work.*—Any electrician being required by his employing member in the Area or foreman to go to the shop of the employing member in the Area, or to a supply store, for material or other purposes before starting work in the morning, shall report at the place designated at 8:00 a. m. the same as going to the job direct.

Electricians reporting but not ordered to so report to a shop or office and not being assigned to work, must not stay there more than one (1) hour after reporting, unless they are being paid for their time.

Section 5. *Workmanship.*—All electrical work put in or constructed by electricians shall be done in accordance with applicable ordinances or the inspection rules governing where the work is being performed. All electricians shall be held responsible for doing their work in accordance with the above mentioned rules and/or ordinances and in a workmanlike manner.

Section 6. *Superintendency.*—There shall be a foreman on each job requiring five (5) or more electricians, who shall be agent of the member in the Area.

Section 7. *Complaints.*—No member in the Area shall dismiss any electrician for making a complaint or giving evidence with respect to an alleged violation of any provision of this Agreement or of any Code of Fair Competition approved under Title I of the National Industrial Recovery Act.

Section 8. *Rebates.*—Members in the Area, electricians or their agents, shall not accept or give, directly or indirectly, any rebates on wages.

Section 9. *Laws.*—No provision of this Agreement shall supersede any State or Federal law which imposes more stringent requirements as to the standards of hours of labor, rates of pay, and other conditions of employment provided by this Agreement.

ARTICLE V—ADMINISTRATION COOPERATION

If a general plan is developed to promote housing or residential building construction, members in the Area and their electrician employees shall cooperate with the Administration in the furtherance of such a plan if developed for the promotion of living standards.

ARTICLE VI—ELECTRICAL MODERNIZATION PLAN

The work covered by this Article shall be known as the "Electrical Modernization Plan" and hereafter is referred to as "the Plan."

Section 1. *Scope of the Plan.*—The work covered in this Plan shall include (1) installations, alterations and additions to installations in existing residences, flats or apartments; (2) alterations and additions to existing installations made in existing stores, offices, hotels, churches, private schools, private hospitals, and operating manufacturing and industrial plants requiring the employment of not more than three (3) other basic building trades; and (3) exterior work in connection with (1) and (2) of ornamental lighting, lighting of private driveways, and extension of electrical service from public service pole drop to the work.

Basic trades are as follows:

(1) Carpenters; (2) Electricians; (3) Bricklayers, Mosaic and Terrazzo Layers, Stone Setters, Marble Setters and Cutters, Tile Setters, and Fireproofers (as one trade); (4) Architectural Iron Workers, Machinery Movers, Bridge and Structural Iron Workers and Stone Derrickmen (as one trade); (5) Plasterers and Cement Finishers (as one trade); and (6) Steam Fitters, Plumbers, Gas Fitters and Sprinkler Fitters (as one trade).

The plan will not be interpreted to include work of the Electrical Contracting Division in new buildings.

Section 2. *Qualifications and Limitations.*—The exemption from conflicting provisions of other articles of this Agreement by virtue of operation under this Plan shall not apply to any member in the Area who does not file with the Joint Committee established under Section 3 of this Article his agreement in writing to comply with this Plan, and who does not comply with all the provisions of this Article.

Members in the Area who have agreed in writing to comply with this Plan shall promote it actively by solicitation, advertising, and endeavoring to arrange for deferred payment for this work, if necessary.

Members in the Area who make a business of soliciting and estimating, and who secure business from the general public, may qualify under this Plan provided they employ not less than one salesman who had a knowledge of the work covered by this Plan, whose sole duty shall be to solicit, estimate, and secure such work. Member in the Area shall keep a daily record showing work solicited and contracts received in his office of the salesmen's activities which shall be available to the Joint Committee or its representative upon request.

A member in the Area without salesmen may qualify under this Plan provided one (1) member of the firm spends his entire time soliciting and estimating work under this Plan.

Members in the Area who have written contracts for all maintenance, revisions, or repair of existing installations for a period covering at least one (1) year from their date of signing this Plan will not be required to employ additional salesmen to comply with the provisions of this Plan in order to perform work covered by such contracts, provided such contracts are registered with the Joint Committee.

In order to obtain the benefits of this Plan, members in the Area within ninety (90) days after agreeing in writing to comply with this Plan shall continuously employ solely on work under this Plan the equivalent of two (2) electricians for forty (40) hours per week.

Members in the Area shall keep a daily record of the hours of employment of each electrician on each job coming under this Plan, which records shall be available to the Joint Committee or its representative upon request.

Section 3. *Joint Committee.*—Supervision and administration of this Plan shall be vested in a Joint Committee of equal numbers of members in the Area and electricians in the Area, the personnel, method of election or appointment, and the activities of which shall be subject to the approval of the Construction Planning and Adjustment Board provided for in Section 5 of Article III of the Code of Fair Competition for the Construction Industry, or any agency of that Board having jurisdiction in the Area. The total membership of this Committee shall not exceed eight (8).

Section 4. *Wages and Hours.*—The rate of wages for electricians under this Plan shall be as follows:

(1) Foremen: 50 cents per day in excess of journeymen's rate of wages.

(2) Journeymen: $1.06¼ per hour.

(3) Apprentices: First year by contract; second year, one-third rate of wages of journeymen; third year, one-half rate of wages of journeymen; fourth year, two-thirds rate of wages of journeymen.

Work coming under this Plan that would make it necessary to stop production operations or operating machinery during regular hours may be done outside regular hours, except that rate of wages shall be at one and one-half (1½) times the rate of wages for regular hours for eight (8) hours' work and two (2) times the rate of wages for regular hours for work in excess of eight (8) hours in any one (1) day. Members in the Area and electricians must obtain written permission for each such instance from a local agency approved by the Construction Planning and Adjustment Board provided for in Section 5 of Article III of the Code of Fair Competition for the Construction Industry, or any agency of that Board having jurisdiction in the Area. No such permission shall be valid for more than seven (7) days.

Electricians shall not work or be permitted to work more hours in any fourteen (14) day period under this Plan than will accrue wages equivalent to eighty (80) regular hours' work.

Except as provided in this Article, all work done under this Article shall be subject to the terms and conditions of all other Articles of this Agreement.

ARTICLE VII—BARGAINING

Electricians shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint or coercion of their employers or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; and no electrician and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; and members in the Area shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

ARTICLE VIII—PRESIDENTIAL POWER

This Agreement and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of subsection (b) of Section 10 of the Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Agreement, or any conditions imposed by him upon such approval.

ARTICLE IX—MODIFICATION

The provisions of this Agreement, except as to provisions required by the Act, may be modified on the basis of experience or change in circumstances, such modification to be based upon application to the President, and such notice and hearing as he shall specify and to become effective on his approval.

ARTICLE X—VIOLATIONS

Any complaints of violations of this Agreement shall be subject to investigation by such Board or Boards as are established by the National Industrial Recovery Board for that purpose for the Division defined herein pursuant to the provisions of Section 1 of Article III of the Code of Fair Competition for the Construction Industry.

ARTICLE XI—PERIOD OF AGREEMENT

Section 1. This Agreement shall become binding upon the signatories hereto and their principals the second Monday after the President has approved such Agreement as provided by said Act and Code. Thereupon the standards of hours of labor, wages, and other conditions of employment herein contained shall affect and apply to all members in the Area and their electrician employees as provided in said Act or Code and the Order of Approval.

Section 2. This Agreement shall terminate on May 31, 1937, or on the date the Code of Fair Competition for the Electrical Contracting Division of the Construction Industry becomes ineffective, whichever is sooner.

HOW TO FILE A COMPLAINT

Inquiries or complaints giving all the facts should be addressed to one of the following:

1. To the Regional Collective Bargaining Agreement Complaints Board, Mr. John R. McSweeny, Chairman, 111 West Washington Street, Chicago, Illinois.
2. To your State NRA Compliance Director, Wrigley Building, 400 North Michigan Avenue, Chicago, Illinois.
3. Or (if not satisfied) to the Compliance Division of the NRA, Washington, D. C.

NO ONE HAS THE RIGHT TO REVEAL YOUR NAME WITHOUT YOUR CONSENT NOR TO DISCHARGE YOU FOR MAKING A COMPLAINT

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NATIONAL RECOVERY ADMINISTRATION

Labor Provisions

FOR THE

Cotton Textile Industry

(APPROVED BY THE PRESIDENT JULY 9, 1933, AND EFFECTIVE JULY 17, 1933)

APPROVED CODE No. 1

DEFINITIONS

Section I.—(a) The term "Cotton Textile Industry" as used herein is defined to mean (1) the manufacture of cotton yarn and/or cotton woven fabrics, whether as a final process or as a part of a larger or further process, and/or (2) the manufacture of woven rayon fabrics 18 inches or more in width the warp of which is primarily rayon or other synthetic fibre yarn, whether finished or unfinished (as amended August 25, 1933, and effective September 1, 1933), and/or (3) the finishing of any of the foregoing fabrics, whether woven of cotton or rayon or other synthetic fibre or of a mixture of any of these fibres with any other fibres, provided that such finishing operations are carried on by (a) concerns engaged in the weaving of cotton and/or rayon or other synthetic fibre, (b) concerns engaged solely in finishing cotton woven fabrics, (c) concerns primarily equipped for and primarily engaged in finishing cotton woven fabrics who may also be engaged in finishing rayon and/or other synthetic fibre fabrics and/or (4) the manufacture of sewing, crochet, embroidery, and/or darning cotton thread (as amended November 8, 1933, and effective November 13, 1933).

ADMINISTRATIVE ORDER No. 1-84, August 21, 1934, ruled that all blankets up to and including 25% of wool by weight, plus 2% tolerance for manufacturing operations are governed by the Cotton Textile Code. All other blankets containing wool and cotton are governed by the Wool Textile Code.

All piece goods up to and including 25% of wool by weight plus a manufacturing tolerance of 2% are governed by the Cotton Textile Code; all other piece goods, containing both wool and cotton, are governed by the Wool Textile Code.

All marine yarns, up to and including 15% of wool by weight when spun on the cotton system, are governed by the Cotton Textile Code. Mixed yarns spun on the cotton system containing an excess of 15% of wool by weight and all mixed yarns spun on any other system are governed by the Wool Textile Code.

(b) The term "employees" as used herein shall include all persons employed in the conduct of such operations.

(c) The term "productive machinery" as used herein is defined to mean (1) spinning spindles; (2) looms; (3) printing machines; (4) piece dyeing machines where the same are used in the production of unprinted fabrics; (5) starching and/or drying machines, operating on fabrics and not on raw stock or yarn or cotton thread where the same are used for the major operation in the production of plain bleached or unbleached fabrics which are not dyed or printed; (6) all machinery used for spooling, winding, reeling, or skeining as a final process to produce cotton thread ready for sale as a finished article; (7) cone winding machines, reels, through tube cop machines and parallel tube winding machines used in the production of mercerized yarn only. (Items 4 to 7 added by amendment approved November 8, 1933, and effective November 13, 1933; item 3 further amended August 2, 1934.)

WAGES

Section II.—(a) On and after the effective date, the minimum wage that shall be paid by employers in the Cotton Textile Industry to any of their employees—except learners during a six weeks' apprenticeship, cleaners and outside employees—shall be at the rate of $12 per week when employed in the southern section of the Industry and at the rate of $13 per week when employed in the northern section for 40 hours of labor, but the employees in the operation of bleaching, dyeing and printing equipment in finishing fabrics shall be paid at the rate of not less than $13 per week in the southern section of the Industry and at the rate of not less than $14 per week in the northern section of the Industry for 40 hours of labor (as amended November 8, 1933, and effective November 13, 1933).

(b) In the case of outside employees and cleaners the minimum wage shall not be less than 75% of the standard minimum wage hereinabove set forth (as amended December 27, 1933, and effective January 1, 1934).

(c) An employee whose earning capacity is limited because of age, physical or mental handicap, or other infirmity, may be employed on light work at a wage below the standard minimum hereinabove set forth, if the employer obtains from the state authority, designated by the United States Department of Labor, a certificate authorizing such employee's employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Cotton-Textile Institute, Inc., as agent of the Cotton Textile Industry Committee to receive the same, a list of all such employees employed by him, showing the wages paid to, and the maximum hours of work for such employee. (As amended and effective July 6, 1934.)

Section XIII.—The amount of differences existing prior to July 17, 1933, between the wage rates paid various classes of employees classified according to occupations (receiving more than the established minimum wage) shall not be decreased—in no event, however, shall any employer pay any employee a wage rate which will yield a less wage for a work week of 40 hours than such employee was receiving for the same class of work for the longer week of 48 hours or more prevailing prior to July 17, 1933. It shall be a function of the Planning and Fair Practice Agency provided for in Section 6 of the Code to observe the operation of these provisions and recommend such further provisions as experience may indicate to be appropriate to effectuate their purposes. (As approved by Executive Order of July 16, 1933 and amended November 8, 1933, effective November 13, 1933.)

Executive Order of July 9, 1933 provides that

"(3) Approval of the minimum wages proposed by the Code is not to be regarded as approval of their economic sufficiency, but is granted in the belief that in view of the large increase in wage payments provided by the Code any higher minimum at this time might react to reduce consumption and employment, and on the understanding that if and as conditions improve the subject may be reopened with a view to increasing them. * * *

(4) It is interpreted that the provisions for a minimum wage in this code establish a guaranteed minimum rate of pay per hour of employment regardless of whether the employee's compensation is otherwise based on a time rate or upon a piecework performance. This is to avoid frustration of the purpose of the code by changing from hour to piecework rules. * * *"

HOURS

Section III.—(a) On and after the effective date, employers in the cotton textile industry shall not operate on a schedule of hours of labor for their employees—except repair shop crews, engineers, electricians, firemen, office and supervisory staff, shipping, watching and outside crews, and cleaners—in excess of 40 hours per week. Provided employees engaged in the operation of such machines as dyeing, bleaching, drying, and mercerizing machines, when used only as a part of continuous chemical processes where the goods would be jeopardized by interruption, may, in such emergency, work more than 40 hours per week but not in excess of 48 hours per week. (As amended November 8, 1933, and effective November 13, 1933.)

(b) In the case of outside employees, employers in the cotton textile industry shall not operate on a schedule of hours of labor in excess of 44 hours per week except in cases of emergency. In the case of cleaners no employer in the cotton textile industry shall operate on a schedule of hours of labor in excess of 44 hours per week. (As amended December 27, 1933, and effective January 1, 1934.)

(c) Employers in the cotton textile industry shall not operate productive machinery for more than two shifts of 40 hours each per week, provided, however, that the operating of finishing machinery, except printing machinery, owned by mill finishers for a sufficient number of hours to finish the fabrics woven on their own looms only, or cotton thread made on their own machinery only shall not be deemed a violation of this section, until any such finishing operation exceeding two shifts of 40 hours each be determined to be an unfair competitive practice. (As amended November 8, 1933, and effective November 13, 1933.)

The operating of finishing machinery owned by mill finishers on sheetings 12 inches wide and over, woven on their own looms for more than two shifts of 40 hours each per week, is an unfair competitive practice. (As amended February 21, 1934, and effective March 3, 1934.)

Section XII.—On and after July 31, 1933, the maximum hours of labor for office employees in the Cotton Textile Industry shall be an average of forty hours a week over each period of six months. (As amended by Executive Order of July 16, 1933.)

Section XIV.—On and after the effective date the maximum hours of labor of repair shop crews, engineers, electricians and watching crews in the Cotton Textile Industry shall, except in case of emergency work, be forty hours a week with a tolerance of 10 percent. Any emergency time in any mill shall be reported monthly to the Planning and Fair Practice Agency provided for in Section 6 of the Code, through the Cotton Textile Institute. (As amended by Executive Order of July 16, 1933.)

Executive Order of July 9, 1933, provides that:

"(5) It is interpreted that the provisions for maximum hours establish a maximum of hours of labor per week for every employee covered, so that under no circumstances will such an employee be employed or permitted to work for one or more employers in the industry in the aggregate in excess of the prescribed number of hours in a single week. * * *"

CHILD LABOR

Section IV.—On and after the effective date, employers in the Cotton Textile Industry shall not employ any minor under the age of 16 years.

COLLECTIVE BARGAINING

Section VIII.—Employers in the Cotton Textile Industry shall comply with the requirements of the National Industrial Recovery Act as follows: "(1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President."

GENERAL

Section XI.—It shall be one of the functions of the Planning and Fair Practice Agency provided for in Section VI of the Code to consider the question of plans for eventual employee ownership of homes in mill villages and submit to the Recovery Administration prior to January 1, 1934, its report in the matter. (As amended by Executive Order of July 16, 1933.)

Section XVII.—(As amended and effective October 16, 1934):

(1) The Textile Labor Relations Board shall appoint a Cotton Textile Work Assignment Board to be composed of an impartial chairman, one representative of the employers subject to the Code of Fair Competition for the Cotton Textile Industry, and one representative of the employees in that Industry.

(2) In order to provide opportunity to develop a sound method and adequate organization for the regulation of work assignments, no employer prior to February 1, 1935, shall make any change in work assignment of any class of employees which shall increase the effort required over that prevailing on September 21, 1934.

During this period the number of looms, frames or other machines required to be tended by any class of employees shall not be increased where the character of the raw material, yarn construction of cloth, preparatory processes, type of equipment used or character of finish or put up is not changed. Where such changes do occur the number of machines tended by such employees may be increased or decreased in such manner as will not increase the amount of effort required of the worker.

Where during the period above referred to a mill resumes the manufacture of any specific product which it has made within six months prior to September 21, 1934 and where the conditions of manufacture enumerated in the preceding paragraph are not changed, then the work load formerly used on such product shall be the guide in determining the proper work assignment.

Where on September 21, 1934 a new style of yarn or cloth or any other new type of product was in course of introduction or is thereafter during the period above referred to introduced into a mill or finishing plant, a tentative work load may be established during the period of determining a proper work load in accordance with the foregoing principles.

(3) Prior to February 1, 1935, on petition of any employee or employer affected, or his representative, or on its own motion, the Cotton Textile Work Assignment Board may investigate any work assignment which has been increased since July 1, 1934, at any mill and the mill shall show the reasons for such increase. If after hearing, the Board finds such assignment requires excessive effort it may require its reduction accordingly.

(4) The Cotton Textile Work Assignment Board shall have authority to appoint district impartial chairmen and such other agents as it may select and to issue rules and regulations to carry out the foregoing provisions of this Section.

(5) The Cotton Textile Work Assignment Board shall, subject to instructions of the President, make a study of actual operations in representative plants and report to the President as to a permanent plan for regulation of work assignments in the Industry.

[Rules and Regulations governing the Cotton, Silk and Wool Textile Work Assignment Boards were approved by Executive Order (1-9-B) on October 16, 1934.]

THE TEXTILE LABOR RELATIONS BOARD

EXECUTIVE ORDER—Approved and effective September 26, 1934

"* * * SECTION 1. There is hereby created in connection with the Department of Labor a board to be known as the "Textile Labor Relations Board" (hereinafter referred to as "the Board") which shall be composed of three "special commissioners" * * * Two special commissioners shall constitute a quorum. A vacancy in the Board shall not impair the right of the remaining special commissioners to exercise all the powers of the Board.

Sec. 2. The Board and/or such agencies as it may create or utilize in accordance with this order shall immediately investigate, hold hearings, make findings of fact, and take appropriate action in any case in which it is alleged that there has been discrimination in taking men back to work after the textile strike.

Sec. 3. The Board is hereby authorized and directed, in connection with the textile industry,

(a) To create, utilize or exercise its powers through such regional or special agents or agencies as it may deem necessary to carry out its functions; and

(b) To exercise all the powers provided in Public Resolution 44, Seventy-third Congress, for a board established under said resolution; and

(c) On its own motion or on complaint of any party affected, to investigate, hold hearings on, and make findings of fact as to, any alleged violation of section 7(a) of the National Industrial Recovery Act and such part of any Code of Fair Competition or agreement as incorporates said section, and if necessary, to refer such findings, with recommendations, to proper governmental agencies for appropriate action; and

(d) Upon request of the parties to a labor dispute, to act as a board of voluntary arbitration or to appoint a person or agency for such voluntary arbitration; and

(e) To exercise such powers as may be conferred upon it by any code of fair competition.

Sec. 4. In connection with the codes of fair competition for the cotton textile, silk textile, and wool textile industries, the Board is hereby authorized and directed, on its own motion or on complaint of any party affected, to investigate, hold hearings on, and make findings of fact as to, any alleged violation of any provision of said codes relating to hours of work, rates of pay, or other conditions of employment, and, if necessary, to refer such findings, with recommendations, to proper governmental agencies for appropriate action.

Sec. 5. The Board shall certify the results of all elections conducted by it or by its agents to parties concerned, and the person, persons, or organization certified as the choice of the majority of those voting shall be accepted, for the purpose of collective bargaining, as the representative or representatives of the employees eligible to participate in the election, without thereby denying to any individual or employee or group of employees the right to present grievances, to confer with their employers, or otherwise associate themselves and act for mutual aid or protection.

Sec. 6. (a) Appeals on questions of law in cases involving section 7(a) of the National Industrial Recovery Act and such part of any code of fair competition or agreement as incorporates said section may be taken from the Textile Labor Relations Board to the National Labor Relations Board in cases in which (1) the Textile Labor Relations Board recommends review, or (2) there is a difference of opinion in the Board, or [illegible] the National Labor Relations Board deems review will serve the public interest.

(b) Whenever the Board has taken or has announced its intention to take jurisdiction of any case or controversy authorized by this order, no other person or agency in the executive branch of the Government, except upon the request of the Board or except as otherwise provided in the preceding subsection, shall take or continue to entertain jurisdiction of such case or controversy. Whenever the Board has made a finding of facts or issued an order in any such case or controversy, such finding of facts and such order shall (except as otherwise provided in the preceding subsection or except as otherwise recommended by the Board) be final and not subject to review by any person or agency in the executive branch of the Government."

APPRENTICE TRAINING PROGRAMS

Executive Order No. 6750-C (June 27, 1934, effective July 15, 1934) provides in part that:

"* * * No provision of any Code of Fair Competition * * * shall be so construed or applied as to violate the following rules and regulations which are hereby promulgated and prescribed, to wit:

(1) A person may be employed as an apprentice by any member of an industry subject to a Code of Fair Competition at a wage lower than the minimum wage, or for any time in excess of the maximum hours of labor, established in such Code, if such member shall have first obtained from an Agency to be designated or established by the Secretary of Labor, a certificate permitting such person to be employed in conformity with a training program approved by such Agency, until and unless such certificate is revoked.

(2) The term "Apprentice" as used herein shall mean a person of at least 16 years of age who has entered into a written contract with an employer or an association of employers which provides for at least 2000 hours of reasonably continuous employment for such person and his participation in an approved program of training as hereinabove provided * * *

Provided however that nothing in this Order shall be construed as modifying any Code of Fair Competition except insofar as an employer subject thereto may elect to become subject to the provisions of this Order. * * *"

PROHIBITING DISMISSAL OF EMPLOYEES FOR REPORTING ALLEGED VIOLATIONS OF CODES

Executive Order of May 15, 1934, provides in part that:

"No employer subject to a Code of Fair Competition approved under said title shall dismiss or demote any employee for making a complaint or giving evidence with respect to an alleged violation of the provisions of any Code of Fair Competition approved under said title.

All persons are hereby informed that section 10(a) of the National Industrial Recovery Act prescribes a fine not to exceed five hundred dollars ($500) or imprisonment not to exceed six (6) months, or both, for the violation of any rule or regulation prescribed under the authority of said section 10(a)."

HOW TO FILE A COMPLAINT

DON'T act hastily. Make sure you are right. An unjust complaint is unfair to your employer and does you no good.

REMEMBER that many grievances can be best settled by going direct to your employer.

BUT you may instead send all the facts to one of the following:

1. **Textile Labor Relations Board, 910 Seventeenth St., NW., Washington, D.C.**
2. **To your State NRA Compliance Director. (See addresses on this poster.)**
3. **OR (if not satisfied) to the Compliance Division of the NRA, Washington, D.C.**

NO ONE HAS THE RIGHT TO REVEAL YOUR NAME WITHOUT YOUR CONSENT NOR TO DISCHARGE YOU FOR MAKING A COMPLAINT

ALABAMA Birmingham Liberty National Life Building
ARIZONA Phoenix 304 Heard Building
ARKANSAS Little Rock 436 Donaghey Building
CALIFORNIA San Francisco Humboldt Bank Bldg 785 Market St; Los Angeles, 751 South Figueroa Street Room 536
COLORADO Denver 720 United States National Bank Building
CONNECTICUT Hartford 301 Federal Building
DELAWARE Wilmington Delaware Trust Building
FLORIDA Jacksonville United States Federal Building
GEORGIA Atlanta 825-831 Citizens & Southern Nat'l Bank Bldg
IDAHO Boise Federal Building
ILLINOIS Chicago Wrigley Building 400 North Michigan Ave
INDIANA Indianapolis, [illegible]
IOWA Des Moines 410 Old Federal Building
KANSAS Topeka 217 Post Office Building
KENTUCKY Louisville 400 Federal Building
LOUISIANA New Orleans 420 Hibernia Bank Building
MAINE Augusta 32 Water Street
MARYLAND Baltimore 130 Customhouse
MASSACHUSETTS Boston 86 Federal Street
MICHIGAN Detroit 415 Federal Building
MINNESOTA Minneapolis 900 Roanoke Building
MISSISSIPPI Jackson 813 Standard Life Building
MISSOURI St. Louis Suite 1210 506 Olive Street
MONTANA Helena 604 Power Block Building
NEBRASKA Omaha 511 Federal Building
NEVADA Reno Old Federal Post Office Building
NEW HAMPSHIRE Concord Phenix Hotel
NEW JERSEY Newark 434 Industrial Office Building
NEW MEXICO Santa Fe Post Office Building
NEW YORK New York 45 Broadway; Albany 622 National Savings Bank Building; Buffalo Marine Building 298 Main Street
NORTH CAROLINA Greensboro U.S. Post Office Building
NORTH DAKOTA Bismarck 202½ Third Street
OHIO Cleveland 501 Bulkley Building
OKLAHOMA Oklahoma City 421 Commerce Exchange Building
OREGON Portland Park Building Park and Alder Streets
PENNSYLVANIA Philadelphia 533 Commercial Trust Building; Pittsburgh 401 Law and Finance Building
RHODE ISLAND Providence National Exchange Bank Building 17 Exchange Street
SOUTH CAROLINA Charleston 704 Peoples Building
SOUTH DAKOTA Sioux Falls 1324 South Minnesota Avenue
TENNESSEE Nashville 410 Cotton States Building
TEXAS Houston [illegible] Building; Dallas, 1212 Republic Bank Building
UTAH Salt Lake City, 1103 Boston Building
VERMONT, Rutland 406 Federal Building
VIRGINIA Richmond 938 Central National Bank Building
WASHINGTON Seattle 1730 Exchange Building
WEST VIRGINIA Charleston Kanawha Valley Bank Building
WISCONSIN Milwaukee 21st Floor Wisconsin Tower Building
WYOMING Casper Post Office Building

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(THE ABOVE SPACE IS FOR OFFICIAL COPIES OF AMENDMENTS AND ADDITIONS)

A copy of the complete Code may be obtained from your State NRA Compliance Director or the Superintendent of Documents at Washington, D.C. Price 5 cents

OFFICIAL COPY
KEEP POSTED CONSPICUOUSLY
IN ACCORDANCE WITH LAW

NRA CODE

NATIONAL RECOVERY ADMINISTRATION

Administrative Order L. P. 14-6

(APPROVED SEPTEMBER 25, 1934)

Country Grain Elevator Industry

APPROVED CODE No. L. P. 14

(Granting Application for Exemptions from Provisions of Article IV, Sections 1 to 7 of Said Code)

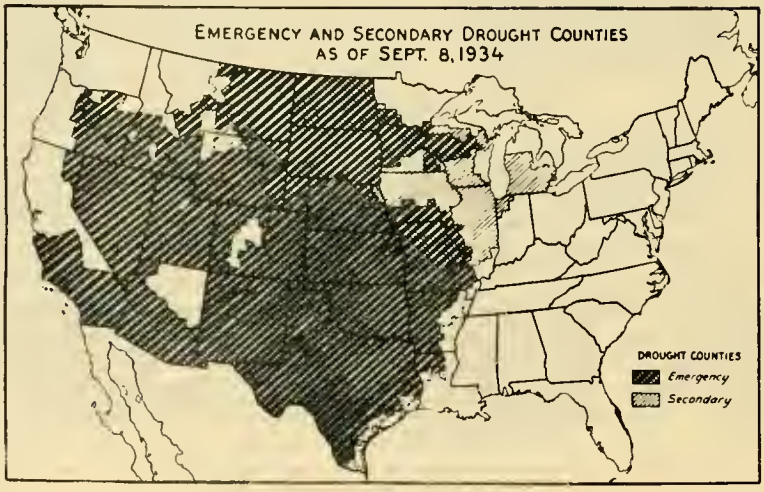
WHEREAS, an application has been made by the Code Authority established pursuant to the Code of Fair Competition for the Country Grain Elevator Industry on behalf of various employers engaged in said industry, for a temporary exemption from the provisions of Article IV, Sections 1 to 7 of said Code; and

WHEREAS, the Deputy Administrator has reported to me that an emergency exists in said industry by reason of drought conditions, and it appears to my satisfaction that the exemptions hereinafter granted are necessary and will tend to effectuate the policies of Title I of the National Industrial Recovery Act;

NOW THEREFORE, pursuant to authority vested in me as Division Administrator, it is hereby ordered that any employer in the drought area, as shown on the attached map published by the Bureau of Agricultural Economics of the United States Department of Agriculture and titled "Emergency and Secondary Drought Counties as of September 8, 1934", shall be exempted from said provisions as to all employees in towns and cities of less than ten thousand population, for a period of ten (10) months or until my further order, on the following conditions:

1. That such employer shall submit to NRA, through the Code Authority, an agreement to pay his employees on a reasonable commission basis and a statement from any employee of his, hereby affected, that such basis is acceptable;
2. That this exemption may, as to any particular employer or employee, be terminated by the Division Administrator, if, in his opinion, the foregoing evidence fails to establish that the continuance of such exemption will tend to effectuate the policies of said Act.

ARMIN W. RILEY,
Division Administrator.



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(This supplementary Labor Poster must be displayed in addition to the official copy of labor provisions for this industry in all establishments located in the areas defined by this order)

OFFICIAL COPY

KEEP POSTED CONSPICUOUSLY IN ACCORDANCE WITH LAW

La traducción oficial de este aviso debe fijarse en sito visible en los talleres donde las empleadas son de habla española

from the proper Insular Authority, a certificate authorizing his employment at such wages and for such hours as shall be stated in the certificate. Each employer shall file monthly with the Code Authority a list of all such persons employed by him, showing the wages paid to, and the maximum hours of work for such employee.

ARTICLE V—General Labor Provisions

1. No person under sixteen (16) years of age shall be employed in the industry. No person under eighteen (18) years of age shall be employed at operations or occupations which are hazardous in nature or detrimental to health. The Code Authority shall submit to the Administrator not later than sixty (60) days after the effective date hereof, a list of such operations or occupations. An employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit duly issued by the Authority in Puerto Rico empowered to issue employment or age certificates or permits showing that the employees are of the required age.

2. (a) Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing, and

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

3. No employer shall reclassify employees or duties of occupations performed or engage in any other subterfuge so as to defeat the purposes or provisions of the Act or of this Code.

4. No provisions in this Code shall supersede any law of Puerto Rico which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health or sanitary conditions or insurance, or fire protection, or general working conditions, than are imposed by this Code.

5. Each member of the industry shall be furnished by the Code Authority with official copies of the provisions of this Code relating to

8. The Administrator shall appoint a Commission, on or after the effective date of this Code, to study the Community Work Room plan, and if that plan is not adjudged to be feasible to propose an alternate plan the object of which shall be to take from homes to Community Work Rooms or Factories as many homeworkers as practicable. The Commission shall report its findings on the Community Work Room or alternate plan within ninety (90) days after its first meeting.

ARTICLE VI—Contractors

1. No member of the Industry shall cause any goods to be manufactured or processed in any factory not registered with the Code Authority in accordance with regulations to be issued by the Code Authority subject to the approval of the Deputy Administrator.

2. All members of the Industry causing any goods to be manufactured by contractors or sub-contractors shall pay to such contractor or sub-contractor for such products, rates at least sufficient to enable such contractor or sub-contractor to pay their employees working on such goods the minimum wage provided for by this Code and all such payments received by such contractor or sub-contractor shall be first applied in the payment of wages to the employee working on such goods.

ARTICLE VII—Administration

Organization, Powers, and Duties of the Code Authority

8. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties in addition to those authorized by other provisions of this Code:

(f) To recommend to the Administrator any action or measures deemed advisable, including further fair trade practice provisions to govern members of the Industry in their relations with each other or with other industries; measures for industrial planning, and stabilization of employment; and including modifications of this Code which shall become effective as part hereof upon approval by the Administrator after such notice and hearing as he may specify.

(h) The Code Authority shall obtain from manufacturers lists of all contractors, sub-contractors or delivery agents to whom they supply materials for processing or manufacture into products of the Industry, whether by such contractors, sub-contractors or delivery agents or others; from contractors, lists of all sub-contractors to whom they supply materials for such purposes; and from all members of the Industry, lists of every homeworker to whom they supply materials for such purposes, including the address or best location possible of each

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AIR TRANSPORT INDUSTRY

APPROVED CODE No. 111

Section 3 of Article III has been changed to read as follows:

"3. The term 'Industry' includes all public carriers for hire by aircraft for passengers, and/or mail, and/or cargo on scheduled operations and services incidental thereto within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii, and such branches or subdivisions thereof as may, from time to time, be included by the President under the provisions of this Code, but does not include scheduled operations and/or services incidental thereto not within the several States of the United States, the District of Columbia, and the territories of Alaska and Hawaii. (As amended and effective February 26, 1935.)"

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(This sticker is to be attached to the official labor poster for the Air Transport Industry in the space provided for official copies of amendments and additions. U. S. Government Printing Office: 1935.)

OFFICE OF THE NATIONAL RECOVERY ADMINISTRATION

THE DIVISION OF REVIEW

THE WORK OF THE DIVISION OF REVIEW

Executive Order No. 7075, dated June 15, 1935, established the Division of Review of the National Recovery Administration. The pertinent part of the Executive Order reads thus:

> The Division of Review shall assemble, analyze, and report upon the statistical information and records of experience of the operations of the various trades and industries heretofore subject to codes of fair competition, shall study the effects of such codes upon trade, industrial and labor conditions in general, and other related matters, shall make available for the protection and promotion of the public interest an adequate review of the effects of the Administration of Title I of the National Industrial Recovery Act, and the principles and policies put into effect thereunder, and shall otherwise aid the President in carrying out his functions under the said Title. I hereby appoint Leon C. Marshall, Director of the Division of Review.

The study sections set up in the Division of Review covered these areas: industry studies, foreign trade studies, labor studies, trade practice studies, statistical studies, legal studies, administration studies, miscellaneous studies, and the writing of code histories. The materials which were produced by these sections are indicated below.

Except for the Code Histories, all items mentioned below are scheduled to be in mimeographed form by April 1, 1936.

THE CODE HISTORIES

The Code Histories are documented accounts of the formation and administration of the codes. They contain the definition of the industry and the principal products thereof; the classes of members in the industry; the history of code formation including an account of the sponsoring organizations, the conferences, negotiations and hearings which were held, and the activities in connection with obtaining approval of the code; the history of the administration of the code, covering the organization and operation of the code authority, the difficulties encountered in administration, the extent of compliance or non-compliance, and the general success or lack of success of the code; and an analysis of the operation of code provisions dealing with wages, hours, trade practices, and other provisions. These and other matters are canvassed not only in terms of the materials to be found in the files, but also in terms of the experiences of the deputies and others concerned with code formation and administration.

The Code Histories, (including histories of certain NRA units or agencies) are not mimeographed. They are to be turned over to the Department of Commerce in typewritten form. All told, approximately eight hundred and fifty (850) histories will be completed. This number includes all of the approved codes and some of the unapproved codes. (In Work Materials No. 18, Contents of Code Histories, will be found the outline which governed the preparation of Code Histories.)

(In the case of all approved codes and also in the case of some codes not carried to final approval, there are in NRA files further materials on industries. Particularly worthy of mention are the Volumes I, II and III which constitute the material officially submitted to the President in support of the recommendation for approval of each code. These volumes

set forth the origination of the codes, the sponsoring group, the evidence advanced to support the proposal, the report of the Division of Research and Planning on the industry, the recommendations of the various Advisory Boards, certain types of official correspondence, the transcript of the formal hearing, and other pertinent matter. There is also much official information relating to amendments, interpretations, exemptions, and other rulings. The materials mentioned in this paragraph were of course not a part of the work of the Division of Review.)

THE WORK MATERIALS SERIES

In the work of the Division of Review a considerable number of studies and compilations of data (other than those noted below in the Evidence Studies Series and the Statistical Material Series) have been made. These are listed below, grouped according to the character of the material. (In Work Materials No. 17, Tentative Outlines and Summaries of Studies in Process, the materials are fully described).

Industry Studies

Automobile Industry, An Economic Survey of
Bituminous Coal Industry under Free Competition and Code Regulation, Economic Survey of
Electrical Manufacturing Industry, The
Fertilizer Industry, The
Fishery Industry and the Fishery Codes
Fishermen and Fishing Craft, Earnings of
Foreign Trade under the National Industrial Recovery Act
  Part A - Competitive Position of the United States in International Trade 1927-29 through 1934.
  Part B - Section 3 (e) of NIRA and its administration.
  Part C - Imports and Importing under NRA Codes.
  Part D - Exports and Exporting under NRA Codes.
Forest Products Industries, Foreign Trade Study of the
Iron and Steel Industry, The
Knitting Industries, The
Leather and Shoe Industries, The
Lumber and Timber Products Industry, Economic Problems of the
Men's Clothing Industry, The
Millinery Industry, The
Motion Picture Industry, The
Migration of Industry, The: The Shift of Twenty-Five Needle Trades From New York State, 1926 to 1934
National Labor Income by Months, 1929-35
Paper Industry, The
Production, Prices, Employment and Payrolls in Industry, Agriculture and Railway Transportation, January 1923, to date
Retail Trades Study, The
Rubber Industry Study, The
Textile Industry in the United Kingdom, France, Germany, Italy, and Japan
Textile Yarns and Fabrics
Tobacco Industry, The
Wholesale Trades Study, The
Women's Neckwear and Scarf Industry, Financial and Labor Data on

Women's Apparel Industry, Some Aspects of the

Trade Practice Studies

Commodities, Information Concerning: A Study of NRA and Related Experiences in Control
Distribution, Manufacturers' Control of: Trade Practice Provisions in Selected NRA Codes
Distributive Relations in the Asbestos Industry
Design Piracy: The Problem and Its Treatment Under NRA Codes
Electrical Mfg. Industry: Price Filing Study
Fertilizer Industry: Price Filing Study
Geographical Price Relations Under Codes of Fair Competition, Control of
Minimum Price Regulation Under Codes of Fair Competition
Multiple Basing Point System in the Lime Industry: Operation of the
Price Control in the Coffee Industry
Price Filing Under NRA Codes
Production Control in the Ice Industry
Production Control, Case Studies in
Resale Price Maintenance Legislation in the United States
Retail Price Cutting, Restriction of, with special Emphasis on The Drug Industry.
Trade Practice Rules of The Federal Trade Commission (1914-1936): A classification for comparision with Trade Practice Provisions of NRA Codes.

Labor Studies

Cap and Cloth Hat Industry, Commission Report on Wage Differentials in
Earnings in Selected Manufacturing Industries, by States, 1933-35
Employment, Payrolls, Hours, and Wages in 115 Selected Code Industries 1933-35
Fur Manufacturing, Commission Report on Wages and Hours in
Hours and Wages in American Industry
Labor Program Under the National Industrial Recovery Act, The
  Part A. Introduction
  Part B. Control of Hours and Reemployment
  Part C. Control of Wages
  Part D. Control of Other Conditions of Employment
  Part E. Section 7(a) of the Recovery Act
Materials in the Field of Industrial Relations
PRA Census of Employment, June, October, 1933
Puerto Rico Needlework, Homeworkers Survey

Administrative Studies

Administrative and Legal Aspects of Stays, Exemptions and Exceptions, Code Amendments, Conditional Orders of Approval
Administrative Interpretations of NRA Codes
Administrative Law and Procedure under the NIRA
Agreements Under Sections 4(a) and 7(b) of the NIRA
Approved Codes in Industry Groups, Classification of
Basic Code, the -- (Administrative Order X-61)
Code Authorities and Their part in the Administration of the NIRA
  Part A. Introduction
  Part B. Nature, Composition and Organization of Code Authorities

Part C. Activities of the Code Authorities
Part D. Code Authority Finances
Part E. Summary and Evaluation
Code Compliance Activities of the NRA
Code Making Program of the NRA in the Territories, The
Code Provisions and Related Subjects, Policy Statements Concerning
Content of NIRA Administrative Legislation
Part A. Executive and Administrative Orders
Part B. Labor Provisions in the Codes
Part C. Trade Practice Provisions in the Codes
Part D. Administrative Provisions in the Codes
Part E. Agreements under Sections 4(a) and 7(b)
Part F. A Type Case: The Cotton Textile Code
Labels Under NRA, A Study of
Model Code and Model Provisions for Codes, Development of
National Recovery Administration, The: A Review of its Organization and Activities
NRA Insignia
President's Reemployment Agreement, The
President's Reemployment Agreement, Substitutions in Connection with the
Prison Labor Problem under NRA and the Prison Compact, The
Problems of Administration in the Overlapping of Code Definitions of Industries and Trades, Multiple Code Coverage, Classifying Individual Members of Industries and Trades
Relationship of NRA to Government Contracts and Contracts Involving the Use of Government Funds
Relationship of NRA with States and Municipalities
Sheltered Workshops Under NRA
Uncodified Industries: A Study of Factors Limiting the Code Making Program

Legal Studies

Anti-Trust Laws and Unfair Competition
Collective Bargaining Agreements, the Right of Individual Employees to Enforce
Commerce Clause, Federal Regulation of the Employer-Employee Relationship Under the
Delegation of Power, Certain Phases of the Principle of, with Reference to Federal Industrial Regulatory Legislation
Enforcement, Extra-Judicial Methods of
Federal Regulation through the Joint Employment of the Power of Taxation and the Spending Power
Government Contract Provisions as a Means of Establishing Proper Economic Standards, Legal Memorandum on Possibility of
Industrial Relations in Australia, Regulation of
Intrastate Activities Which so Affect Interstate Commerce as to Bring them Under the Commerce Clause, Cases on
Legislative Possibilities of the State Constitutions
Post Office and Post Road Power — Can it be Used as a Means of Federal Industrial Regulation?
State Recovery Legislation in Aid of Federal Recovery Legislation History and Analysis
Tariff Rates to Secure Proper Standards of Wages and Hours, the Possibility of Variation in
Trade Practices and the Anti-Trust Laws
Treaty Making Power of the United States
War Power, Can it be Used as a Means of Federal Regulation of Child Labor?

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THE EVIDENCE STUDIES SERIES

The Evidence Studies were originally undertaken to gather material for pending court cases. After the Schechter decision the project was continued in order to assemble data for use in connection with the studies of the Division of Review. The data are particularly concerned with the nature, size and operations of the industry; and with the relation of the industry to interstate commerce. The industries covered by the Evidence Studies account for more than one-half of the total number of workers under codes. The list of those studies follows:

Automobile Manufacturing Industry
Automotive Parts and Equipment Industry
Baking Industry
Boot and Shoe Manufacturing Industry
Bottled Soft Drink Industry
Builders' Supplies Industry
Canning Industry
Chemical Manufacturing Industry
Cigar Manufacturing Industry
Coat and Suit Industry
Construction Industry
Cotton Garment Industry
Dress Manufacturing Industry
Electrical Contracting Industry
Electrical Manufacturing Industry
Fabricated Metal Products Mfg. and Metal Finishing and Metal Coating Industry
Fishery Industry
Furniture Manufacturing Industry
General Contractors Industry
Graphic Arts Industry
Gray Iron Foundry Industry
Hosiery Industry
Infant's and Children's Wear Industry
Iron and Steel Industry
Leather Industry
Lumber and Timber Products Industry
Mason Contractors Industry
Men's Clothing Industry
Motion Picture Industry
Motor Vehicle Retailing Trade
Needlework Industry of Puerto Rico
Painting and Paperhanging Industry
Photo Engraving Industry
Plumbing Contracting Industry
Retail Lumber Industry
Retail Trade Industry
Retail Tire and Battery Trade Industry
Rubber Manufacturing Industry
Rubber Tire Manufacturing Industry
Shipbuilding Industry
Silk Textile Industry
Structural Clay Products Industry
Throwing Industry
Trucking Industry
Waste Materials Industry
Wholesale and Retail Food Industry
Wholesale Fresh Fruit and Vegetable Industry
Wool Textile Industry

THE STATISTICAL MATERIALS SERIES

This series is supplementary to the Evidence Studies Series. The reports include data on establishments, firms, employment, payrolls, wages, hours, production capacities, shipments, sales, consumption, stocks, prices, material costs, failures, exports and imports. They also include notes on the principal qualifications that should be observed in using the data, the technical methods employed, and the applicability of the material to the study of the industries concerned. The following numbers appear in the series:
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Asphalt Shingle and Roofing Industry
Business Furniture
Candy Manufacturing Industry
Carpet and Rug Industry
Cement Industry
Cleaning and Dyeing Trade
Coffee Industry
Copper and Brass Mill Products Industry
Cotton Textile Industry
Electrical Manufacturing Industry
Fertilizer Industry
Funeral Supply Industry
Glass Container Industry
Ice Manufacturing Industry
Knitted Outerwear Industry
Paint, Varnish, and Lacquer, Mfg. Industry
Plumbing Fixtures Industry
Rayon and Synthetic Yarn Producing Industry
Salt Producing Industry

THE COVERAGE

The original, and approved, plan of the Division of Review contemplated resources sufficient (a) to prepare some 1200 histories of codes and NRA units or agencies, (b) to consolidate and index the NRA files containing some 40,000,000 pieces, (c) to engage in extensive field work, (d) to secure much aid from established statistical agencies of government, (e) to assemble a considerable number of experts in various fields, (f) to conduct approximately 25% more studies than are listed above, and (g) to prepare a comprehensive summary report.

Because of reductions made in personnel and in use of outside experts, limitation of access to field work and research agencies, and lack of jurisdiction over files, the projected plan was necessarily curtailed. The most serious curtailments were the omission of the comprehensive summary report; the dropping of certain studies and the reduction in the coverage of other studies; and the abandonment of the consolidation and indexing of the files. Fortunately, there is reason to hope that the files may yet be cared for under other auspices.

Notwithstanding these limitations, if the files are ultimately consolidated and indexed the exploration of the NRA materials will have been sufficient to make them accessible and highly useful. They constitute the largest and richest single body of information concerning the problems and operations of industry ever assembled in any nation.

L. C. Marshall,
Director, Division of Review.

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